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PROVO MUNICIPAL COUNCIL

Redevelopment Agency of Provo

Regular Meeting Minutes

5:30 PM, Tuesday, December 11, 2018
Room 200, Municipal Council Chambers
351 W. Center Street, Provo, UT 84601

Roll Call

THE FOLLOWING MEMBERS OF THE COUNCIL AND ADMINISTRATION WERE PRESENT:

Council Member David Harding	Council Member David Knecht
Council Member David Sewell	Council Member Gary Winterton
Council Member George Handley	Council Member George Stewart
Council Member Vernon K. Van Buren	Mayor Michelle Kaufusi
Council Executive Director Cliff Strachan	Council Attorney Brian Jones

Conducting: Council Chair Gary Winterton
Excused: Wayne Parker, CAO

Prayer

Martha Windsor

Pledge of Allegiance

Kathryn Allen

Presentations, Proclamations, and Awards

1. A presentation of the Provo City Audit Report and Comprehensive Annual Financial Report for the fiscal year ending June 30, 2018. (18-105) (0:05:07)

John Borget, Administrative Services Director, presented the Provo City Audit and Comprehensive Financial Report (CAFR). He recognized and thanked those who were involved with the preparation of these reports, and he gave special thanks to Dan Follett, Dustin Grabau, Kelsey Zarbock, and Anissa Orwin.

The fund balance, sometimes referred to as the rainy-day fund, was an important part of the report. Mr. Borget explained the State allowed a maximum of 25 percent to remain in the General Fund. This year, Provo City had 23.96 percent in the fund balance which was a great indicator.

Mr. Borget read from the Letter of Transmittal on page seven of the CAFR (0:08:37). He then went on to say the national and local economies continued to be strong. Provo and Orem had a 2.8 percent unemployment rate. The sales tax revenue was up \$1.1 million (5.9 percent) over the prior year.

The report also described major projects that had occurred during the year:

- Two large water tanks put into service

- Progress on Duncan Aviation project at airport
- Completion of Stadium Avenue roadwork
- Parks and Recreation triple play program introduced

The report had been submitted to the Government Finance Officers Association (GFOA), they will provide feedback and if the report meets their standards, they can award the city with the Award of Excellence which had been received in the previous 20 years.

Ed Erickson and Jeff Miles from the firm Hansen, Bradshaw, Malrose, & Erickson, P.C. (HBME), addressed the council. The entire audit was over 100 pages, Mr. Erickson, Partner at HBME, touched on several key points:

- Financial statements were prepared in accordance with general accounting principles.
- The City's financial position had strengthened in the last year.
- Total assets grew from \$788 million to \$819 million and the liabilities decreased slightly.
- The City's net position increased to \$628 million, a \$25.5 million increase.
- Revenues increased from \$196 million in 2017 to \$216 million in 2018.
- Expenses increased about \$13 million, from \$177 million to \$190 million.
- Change in net position in 2017 was \$19 million, this year it was \$25.7 million; some of the increase, about \$6 million, was attributable to the City taking over the Ice Sheet Authority.
- During this year, governmental entities were required to adopt GASB (Governmental Accounting Standards Board) Statement No. 75; this required governments to carry their entire obligation of OPEB (other postemployment benefits). Overall, this resulted in about \$10.2 million reduction of net position to implement this statement.

Jeff Miles, Audit Manager at HBME, said there was a separate report containing the Single Audit. Each audit required them to gain an understanding of the city's controls. No significant deficiencies were noted, nor were there any control weaknesses. The single audit was required because Provo City receives more than \$750,000 in federal grants. HBME audited two major programs, both of which were related to the Airport. Non-compliance with the requirements of the grants was not identified. The final report required Mr. Miles to examine state compliance issues, this report was found on page ten of the Single Audit. A number of categories were evaluated, one item was noted regarding meeting minutes, this had been resolved and management had provided a response. Controls had been put in place to ensure minutes were posted in a timely manner and in compliance with State requirements. Overall, he felt the city had proper controls in place.

Mr. Winterton referred to the list of things that were audited, he wanted to know if departments or department heads were specifically audited. Mr. Miles responded that it was not common to meet with each department head every year. City-wide compliance issues were reviewed, not necessarily individual departments.

Mr. Borget said this report would be published tomorrow morning on provo.org under the Finance Department webpage in the reports sections. He recognized the CAFR was a large and difficult document; in January they would present the Popular Annual Financial Report (PAFR), it was an easier to read high-level presentation of the CAFR.

Mr. Harding thanked the finance division and city staff who handle these financial matters. This was a stellar report because of their admirable performance.

Chair Winterton noted it was improved upon every year.

This was presentation only; no motions were made.

2. A presentation of the Provology graduates (0:26:54)

Mayor Kaufusi presented the Provology Graduates. She was a graduate of the program herself and encouraged those who had completed the course to participate in the Citizens Police Academy next. Mayor Kaufusi recognized the following graduates:

Ashley Jensen	Brad Wood	Eric Ludwig
Erin Young	James Stewart (absent)	Jason Bodily
Kathryn Allen	Martha Windsor	Neil Harrington
Paul Hughes	Ralene Brough	Ron Brough
Sarah Asay	Sharron Memmott (absent)	Tanya Stanley
Tricia Nielsen	Wendy Wise	

Public Comment (0:30:46)

Chair Winterton opened public comment.

Pam Jones was a Vice Chair of the Edgemont Neighborhood. She said Provo School District was proposing a bond for Timpview High School and three other schools that also need to be replaced. She said the state wanted more money and the county wanted money for employee raises. It was disconcerting to her that Utah County officials said they had met with councils and mayors from all over the valley who were supportive of the tax hikes. She does not typically vote for tax hikes but did vote for the Provo Police, Fire & City Facilities Bond. She was on a fixed income and could not afford anymore increases. She hoped council would continue to spend money wisely and not support other tax hikes.

Robin Roberts was a business owner and resident of Provo. He was concerned about finding businesses for all of the empty commercial spaces in Provo. The business owners in Provo were bearing the brunt of the expense; they needed more businesses to help offset this. He hoped council would consider necessary changes to entice new business. Mr. Robins appreciated the work the council does, he acknowledged they did not have an easy job.

Consent Agenda (0:37:10)

Chair Winterton explained the purpose of the consent agenda and asked if any Councilor wanted to move any item to the regular agenda, there was no request.

- 3. Approval of Minutes for the October 23, 2018 Council Meeting**
- 4. Approval of Minutes for the November 27, 2018 Council Meeting**
- 5. Ordinance 2018-34 amending Provo City Code to Public Works standards. Citywide impact. (PLOTA20180348)**
- 6. Resolution 2018-44 adopting the 2019 Council regular meeting schedule. (18-104)**

All items on the consent agenda were approved unanimously.

Action Agenda

7. Resolution 2018-45 appointing individuals to various boards and commissions (18-003) [\(0:37:47\)](#)

Motion: An implied motion to approve Resolution 2018-45, as currently constituted, has been made by Council rule.

Mayor Kaufusi presented the resolution and introduced those who were being appointed:

Appointee	Board	Term Expiration
Jane Wise (reappointed)	Arts Council	June 30, 2021
Mary Rasband (reappointed)	Energy Board	December 31, 2022
Lynette Hemsath	Housing Authority	June 30, 2022
George Handley	Housing Authority	June 30, 2022

Chair Winterton opened public comment, there was no response. He called for a vote on the implied motion.

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

Mr. Harding thanked the new and returning board members. Much of the quality of life in Provo and how well the city runs could be attributed to these board members.

8. Resolution 2018-46 setting the parameters of the Provo Police, Fire & City Facilities Bond. (18-106) [\(0:41:23\)](#)

Motion: An implied motion to approve Resolution 2018-46, as currently constituted, has been made by Council rule.

Dan Follett, Division Director of Finance, presented. He said in November voters approved the bond. The City was in process of issuing bonds and part of this process was council approving the parameters for the issuance of bonds.

Mr. Follett reviewed the proposed terms:

- \$69 million not to exceed a repayment term of 20 years
- Interest rate not to exceed 5.5%
- Sold at a discount not to exceed 2%

The sale of the bonds would take place on January 22 and the result and acceptance of the sale would take place in the Council Meeting that evening. A public notice would be posted on December 17, and would begin a 30-day contest period.

Chair Winterton opened public comment, there was no response. He called for a vote on the implied motion.

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

9. Ordinance 2018-35 amending Provo City Code to modify and enact impact fees for Water, Wastewater, Stormwater, Power, Parks and Recreation, Roadway Facilities, and Public Safety, and to modify provisions regarding impact fees. (18-099) (0:45:52)

Motion: An implied motion to adopt Ordinance 2018-35, effective July 1, 2019, has been made by Council rule.

There had been a lengthy presentation during the work meeting earlier in the day. Mr. Borget said Zions Public Finance was the consulting company used for this study. This had been under evaluation for over a year and a committee met on a monthly basis for in-depth analysis. The committee was comprised of staff, builders, and council members. There was a well-attended open house at the Provo Rec Center in November. They were recommending a substantial increase. The last increase was in 2004. Mr. Borget said the increases being recommended were in alignment with construction inflation.

Mr. Strachan noted that in various discussions on social media, not everyone understood the purpose of the impact fee. It was intended to cover the cost of new development and expanding infrastructure for a growing population.

Chair Winterton opened public comment.

Deanne Huish represented the Utah Valley Homebuilders Association (UVHBA) and had been involved with the committee since October 2017. UVHBA attorneys had reviewed two of the impact fee facility plans, they had questions on the water impact fee plan. Ms. Huish said they question the water impact fee because it was such a large increase, despite not having increased fees since 2004. She noted The Daily Herald article stated this was a 60 percent increase, but according to her calculations it was actually 82 percent. She appreciated the opportunity for the UVHBA to be involved. She said the commercial developments paid substantially higher impact fees, which was a concern for the association. She understood there were facilities that needed to be improved and they were supportive of paying their way.

Matt Henson, PEG Development, also had concerns. His request pertained to multi dwelling units (MDU). Most of the fees for MDUs were a lighter burden than single family home, but the water and sewer impact fees were the same. He asked council whether single and multifamily fees were being treated the same or if the fees were based upon the fixture unit count, which he felt was the more equitable method. Mr. Henson also hoped the fees would be phased in overtime instead of taking effect immediately; he had many projects this would greatly impact. He wanted to see Provo succeed and he was concerned about the economic impact of these fees.

Ben Davis, PEG Development, commented about housing affordability. The Kem C. Gardner Policy Institute said from 2011 to 2017 there was a 40,000-unit gap between number of households and the number of units. From a multifamily perspective, he asked council to be cautious and said demand would increase. PEG had plans for 200-250 units on Freedom Block and said this would be a \$1.2 million increase to their project.

There were no other comments from the public.

Mr. Borget said they had discussed the differences between MDUs and single-family homes. He understood that in several situations, the larger MDUs were comparable to single family homes, as far as use and drain on system. Developers would have the option to present their case for reduced fees based upon the size of the unit, the analysis would be taken into consideration by the City in determining fees.

Council had previously directed staff to conduct a review of exemptions for affordable housing, this would be presented before the fees take effect. They had also extended the 90-day implementation date to July 1 which gave more time for everyone to prepare for the increases. Chair Winterton felt it was fair to give six months for developers to prepare for the large increase. There was now a process in place to regularly review impact fees to prevent such large increases again.

Mr. Harding said in larger studies, the impact of larger apartments was similar to single family units. There were certain configurations, such as small studio or one-bedroom apartments, that had less impact. Mr. Harding thought there were more of the smaller style apartments in Provo. Council was assured that anyone could explain why their impact fees should be different from the average and if the argument could be made, the fees could be adjusted accordingly. Phasing the fees between March 11 and July 1 was discussed, but he did not think this was helpful now that they were planning to implement the fees on July 1. Regardless, he welcomed feedback on a phased approach.

Mr. Sewell said the last round of impact fees had been implemented 12-14 years ago. This time there were new fees for police and fire. Last time around, fees were not implemented at 100 percent of cost, plus there had been years of rising costs. He suggested a two-step approach, with the first step on July 1 for half cost recovery, then making the final adjustment one year later. No other council members expressed interest in this option and no motion was made.

Mr. Knecht recalled that in 2004 the fees had not been implemented at 100 percent, he wondered what the difference was between the amount they implemented versus the actual cost. Mr. Borget was not exactly sure. Mr. Knecht guessed that if they had charged the full amount, it would have been significantly higher, and as a result, this increase would not be as much of a percentage increase. Also related, Mr. Handley asked how this proposal would compare if the fees had been increased gradually according to cost of living and construction overtime. Mr. Borget said it would be close to what was being recommended today. Mr. Strachan confirmed this is what Susie Decker indicated. Mr. Handley asked if there was any assessment of the impact on citizens with the artificially depressed fees overtime. There was not a clear answer available.

There had been a misunderstanding about how the fees had actually been implemented the last time there was an increase, Mr. Strachan wanted to set the record straight. He said in the last meeting, they discussed how rates had been implemented at 75 percent or less; the presumption was that it had stayed reduced since then, but the fees were adopted in a three-step phased approach over about 32-44 months before the full implementation schedule occurred. So, by January 2007, water impact fees were at the full rate; by 2008 all other fees were at the full rate that had been recommended in 2004. Mr. Borget recalled they started with 70 percent, then by 2008 they were at 100 percent of the recommended fees, but they had not been updated since then. The previous study was conducted in 2004 and adopted in 2005. Mr. Borget noted there were challenges with the implementation method used before. Current city code required a review of the impact fees every five years.

Council was considering adopting the ordinance during the meeting and then would consider policy questions and make changes before the implementation date. Mr. Harding would support adopting the ordinance now if policy questions get addressed before July 1. Although, he was more comfortable continuing the item, still targeting the July 1 implementation date, but resolving some of these discussions before passing the ordinance.

Mr. Stewart understood the only issue that still needed to be discussed was affordable housing which could be addressed before July 1. He felt this had been delayed long enough.

Mr. Harding said this had been exhaustive process, but it was heard by council just two weeks ago, so he didn't feel like it had been postponed too much but he respected Mr. Stewart's position. He asked if any other council members had concerns.

Mr. Handley was not interested in delaying the vote. He said the concern had been from the developers. The City had waited many years without having the fees accurately reflect the cost of the infrastructure. He thought it was owed to the citizens to take this burden off them (the rate payers) and have those responsible for the impact paying for the impact.

Mr. Knecht said the biggest increases were related to water and sewer. If developers had smaller units and could prove their case, the city would consider reduced sewer fees. He would expect to see this with higher density housing where there are fewer people per unit. He wanted to make it clear this opportunity was available.

Mr. Van Buren said it was untrue that the city pays for new development. He said new development was paid for by developers. Mr. Decker said there was project improvement and system improvement. Project improvement was internal to the development; impact fees are not changed or paying for infrastructure inside the development. The sewer line that discharges into the larger system was eligible for impact fees if it needed to be modified due to discharge. Mr. Van Buren appreciated this clarification. Mr. Decker added that system improvements were a main component of the IFFP which studied what improvements were needed and which systems were eligible.

The other comment Mr. Van Buren made was about the discussion regarding exemptions for affordable housing and discounts for smaller units. He was concerned everyone would want an adjustment. He wanted to know what the parameters would be and who would set them. He was concerned about opening this door. There was too much discussion about the fees being modifiable. Mr. Knecht responded that everyone should pay for what they use. If building a single room home on a small lot, they could also plead their case for reduced fees. The City would be obligated to be fair. If someone wanted to build on a hill, above current infrastructure, they would need to pay for it.

Mr. Harding understood that the statute that required impact fees and also stated that adjustments could be granted. Mr. Stewart thought this was the exception, not the rule, his experience was that this was not an often occurrence.

It was important to specify the criteria for affordable housing exemptions according to Mr. Handley. He wanted to avoid anything vague that would permit the city to make judgements arbitrarily.

Chair Winterton called for a vote on the implied motion on Ordinance 2018-35, which included a change made during work session to reflect an effective date of July 1, 2019.

Mr. Van Buren asked Mr. Strachan to clarify the next steps. Mr. Strachan said the direction given earlier in the day was to have the Housing Committee look at the issue and make a recommendation for the council. The item would be reviewed by Council again sometime near the end of March. If the Council wanted to provide an exception, this would help them to define the parameters. There was still a cost to waiving impact fees. None of this was part of the ordinance being voted on. Mr. Van Buren asked how they would incorporate any changes that were recommended by the Housing Committee. Mr. Jones said if the recommendation was to create an exemption for affordable housing, the ordinance would not be amended; instead, additional language would be added to Title 15, Chapter 8 of City Code. This would create a process for someone to apply for an exemption.

Roll Call Vote: The motion was approved 6:1 with Council Members Handley, Harding, Knecht, Sewell, Stewart, and Winterton in favor. Council Member Van Buren was opposed.

Mr. Strachan thanked the Committee Members who had worked on this for the previous 15 months.

The next two items were related. Chair Winterton introduced them at the same time.

10. Ordinance 2018-36 enacting Provo City Code Chapter 14.50(36) (Spring Creek High Occupancy Performance Redevelopment Option zone). Spring Creek Neighborhood. (PLOTA20180365) (1:33:29)

Motion: An implied motion to adopt Ordinance 2018-36, as currently constituted, has been made by Council rule.

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

11. Ordinance 2018-37 amending the Zone Map Classification of approximately 6.21 acres of real property, generally located at 1606 South State Street, from One-Family Residential (R1.10) to a PRO (PCC 14.50(36)). Spring Creek Neighborhood. (PLRZ2018105) (1:33:29)

Motion: An implied motion to adopt Ordinance 2018-37, as currently constituted, has been made by Council rule.

Javin Weaver, Community Development Planner, presented both items. He said the text amendment and rezone would bring in a 62-unit townhome project being built at approximately 1606 South State Street. The area was currently zoned R1.10 and the Southeast Neighborhood Plan identifies the area as MDR with a batching overlay. In working with the developer, they identified a PRO zone would best fit for the area. The primary difference with this zone was that it allowed for a family or four singles per unit. Each unit had 4.25 parking stalls, two in the garage, two parking stalls, and 0.25 in the parking lot. The height was similar to what would normally be found in an MDR zone. Each unit had four bedrooms and four bathrooms. Mr. Weaver had not received any negative feedback and the Neighborhood Chair was excited about the concept.

Chair Winterton invited the applicant, Heath Johnston, to speak. Mr. Johnston said this was a unique project that was inspired by focus groups that identified this was what young single professionals were

looking for. He was excited about being a pioneer in developing something like this in the area. He thought it would help Provo with its population of young professionals.

Chair Winterton invited the Neighborhood Chair, Mary Millar, to speak. She said this had been a long process, but the project had been well received and she thought this was a good thing for the area.

Chair Winterton opened public comment, there was no response.

Mr. Sewell was appreciative of the developer's effort to form focus groups and build something that would meet the needs of the demographic.

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

Mr. Harding remarked how amazing it was that they created a zone and increased density without a single concern. This was the right way to do this. He thanked everyone involved. Mr. Harding also told Mr. Weaver good job on his first presentation.

12. Resolution 2018-47 approving the adoption of the Moderate Income Housing Report for Provo City. Citywide impact (PLGPA20180395) ([1:43:05](#))

Motion: An implied motion to approve Resolution 2018-47, as currently constituted, has been made by Council rule.

Brian Maxfield, Planning Supervisor, presented. He said the State had two housing requirements that the City needed to follow. This included having a moderate-income housing plan and a biannual report showing progress made in accomplishing goals of the plan. This resolution was acceptance of the report so that it could be submitted to the State before the end of the year. Mr. Maxfield presented the report findings, there were still a few things that needed to be worked on. The housing element in the General Plan needed to be updated to meet new requirements. The Planning Commission was working on coming up with about five measurable goals to be included in the plan.

Mr. Handley said the report was helpful, but he did not understand one of the statements. It said if the number of new moderate-income housing units is above 40 percent of the total number of units being built, the percentage of moderate-income housing should be increased. Mr. Harding thought it meant that the median was 50 percent, and moderate income in this report was everything below 80 percent of the median which represented roughly 40 percent of the population. So, if more than 40 percent of the housing is affordable to that group, then the percentage of moderate income housing should be increasing because it is targeted to that 40 percent. Mr. Maxfield said to keep in mind these were ratios, they would never be able to eliminate moderate-income housing because it was part of the housing makeup.

Chair Winterton opened public comment, there was no response. He called for a vote on the implied motion.

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

Mr. Jones suggested covering item 14 before item 13, it would be quicker.

**Ordinance 2018-38 amending Provo City Code to clarify requirements regarding
14. customers that generate electric energy. Citywide impact. (18-103) (1:53:56)**

Motion: An implied motion to approve Ordinance 2018-38, as currently constituted, has been made by Council rule.

Travis Ball, Power Director, presented. The language being proposed was for Provo City Code 12.03.08 and pertained to generation of energy by those other than Provo City. The language clarified what happens when someone generates without a license and also clarified the requirements for qualified facilities.

Mr. Harding asked Mr. Jones to briefly describe what provisions could be modified by written agreement. Mr. Jones said there were two parts of the ordinance that could be modified by written agreement. The first was under PCC 12.03.090, if a qualifying facility comes to the City, then the City could execute a written agreement to make exceptions to the ordinance in order to comply with federal laws. Additionally, if not required by federal law, there could also be an agreement to make exception to the customers generating more than 25 kW, which can only be industrial and commercial account holders. Specifically, the provision that these customers must enter into a power purchase agreement to sell all electric energy to Utah Municipal Power Agency (UMPA). Termination of the agreement with UMPA would be grounds to revoke the license and such licensees would be charged for all energy consumed without any credits.

Chair Winterton called for a vote on the implied motion.

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

13. Ordinance 2018-39 amending Provo City Code to increase buffering requirements and transitional standards when certain uses are adjacent to a Residential Zone. City-wide impact. (PLOTA20180216) (1:58:29)

Motion: An implied motion to approve Ordinance 2018-39, as currently constituted, has been made by Council rule.

Dustin Wright, Planner, said this was heard previously and staff was asked to work with Councilor Knecht to address several items and. As a result, staff had made several revisions:

- Chain link would not be an approved fencing material
- Masonry walls required if adjacent to residential zones
- Masonry walls required if adjacent to design corridors
- Gates would match the required fencing materials
- 25-foot landscape setback if located along design corridor from the property line facing the street

Chair Winterton opened public comment.

Leo Lines did not own a tow company but was on a state committee that dealt with impound lots. This issue came about because a tow yard opened in an area where it was allowed, but then found out there

were two parts in the code that were conflicting. If required to put in concrete wall, impound lots cannot adjust their rates to cover the expense. The rates they were allowed to charge were set by the state. Mr. Lines asked for a specific property to be displayed on a map. The cars had been sitting there for many years. He said Steve Turley, who owns the property behind the lot had never complained. But recently, a lot in the same area was leased by a gentleman who put in a legal tow yard and Mr. Turley requested a text amendment in an alleged attempt to remove the tow yard, according to Mr. Lines. He said Mr. Turley used the zone to his advantage to increase the density on the lot he owns, but now he did not want the tow yard by his apartments. He said the state had already set rules for tow yards, which the owner of the tow business was following. The goal of the state was to have every yard secure statewide. Mr. Lines believed this amendment was being requested with ill intent due to an ongoing feud.

Mary Millar, Spring Creek Neighborhood Chair, thought this request came about because of the conflicting codes; one section permitted the tow yard, the other did not. Mr. Knecht said the original request was for a 200-foot buffer for tow yards and then staff noticed ambiguity. Ms. Millar had reviewed the State requirements but did not believe it applied to this situation. Mr. Jones was not sure of the status of the tow yard and whether or not it was a State impound yard. Ms. Millar said it did not comply with State guidelines. She believed it needed to be addressed because no one wanted this near their home. She was not aware of any other tow yards that would be impacted by this amendment.

Vickie Knecht, Provost Neighborhood Chair, was opposed to the tow yard. She said they were trying to improve State Street. A tow yard did not belong on a design corridor and needed to be elsewhere.

There was no other comment from the public.

Mr. Sewell asked Mr. Jones if he would describe nature of discrepancy between the two sections of code and whether he had any observations on this issue based upon participation on the committee. He also asked about delaying this until the result of the committee was complete. Mr. Jones understood the discrepancy was conflicting sections in the code where impound yards were allowed as permitted use and also in other places they were required to have conditional use permit, even though the section applied to the same zone. As a representative of the league, he said their goal was minimum uniform requirements that would not limit the city from having additional requirements.

Mr. Van Buren said the current yard, according to Mr. Lines, was in compliance. He asked if this ordinance passed, would there be an impact on this particular yard? Mr. Jones said before the tow yard application was submitted, Mr. Turley submitted his application, so the tow yard would be subject to pending legislation. Mr. Peperone agreed. If stayed, the pending legislation would expire January 25, 2018 and they would proceed with the conditional use permit.

Mr. Knecht said the proximity to residential areas was a factor. The zone seemed suitable under conditional use. The other factor was the design corridor which was clearly identified in the amendments. He asked Mr. Wright to show an auto body shop to the south at the intersection that was a good example and met the requirements that would be implemented. Mr. Wright showed the aerial map of the autobody shop and said this is what they would hope to see with the setbacks and masonry walls described in the ordinance.

Mr. Jones explained the implied motion applied to the Planning Commission version, not the amended version that Mr. Knecht and Staff had worked on. If Council wanted to adopt the amended version, they would need to make a motion. They displayed the version that included the recent amendments.

Motion: Council Member David Knecht moved to substitute the official version with the version that included the amendments discussed. Council Member Van Buren seconded the motion.

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

Chair Winterton called for a vote on the implied motion.

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

Adjournment

The meeting was adjourned by unanimous consent at approximately 8:00 p.m.