



## PROVO MUNICIPAL COUNCIL

### Work Meeting

12:00 PM, Tuesday, March 31, 2020

Electronic meeting: <https://www.youtube.com/user/provocitycouncil>

This meeting will be conducted entirely via electronic means. Due to the risks of public gatherings associated with the spread of COVID-19, Governor Gary Herbert has waived the anchor location and other requirements for public meetings/noticing, as outlined in Executive Order 2020-01. The meeting will be available to the public for live broadcast and on-demand viewing at: <https://www.youtube.com/user/provocitycouncil>. If you do not have access to the Internet, you can join via telephone following the instructions below.

For more information regarding the City's Community Safety Plan for COVID-19 and related City facility closures, please visit: <https://www.provo.org/city-services/covid19>

**To listen to the meeting by phone: March 31 Work Meeting: Dial 346-248-7799. Enter Meeting ID 777 975 469 and press #. When asked for a participant ID, press #.**

### Agenda

### Roll Call

### Prayer

### Business

1. A presentation on Provo City's Vehicle Replacement 5 Year Plan. (20-007)
2. A presentation to the Municipal Council in order to provide information regarding Public Infrastructure Districts (PIDs). (20-063)
3. A discussion regarding licensing for restaurants with ancillary breweries. (20-057)
4. A presentation from the Joaquin Parking Committee. (20-074)
5. A discussion regarding updating the General Plan. (20-068)

### Administration

6. A resolution appropriating \$4,900,526 in the Airport Fund for the acquisition of land near the airport, applying to fiscal year ending June 30, 2020. (20-067)
7. An update on the City Center Project. (20-013)

## **Policy Items Referred from the Planning Commission**

8. A brief explanation and overview for the Municipal Council on the Central Corridor Transit Study. The Transportation and Mobility Advisory Committee is also invited to participate with the Council. (20-065)
9. An ordinance amending the Provo City General Plan relating to The Transportation Master Plan. Citywide Application. (PLGPA20200038)

## **Closed Meeting**

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**

If you have a comment regarding items on the agenda, please contact Councilors at [council@provo.org](mailto:council@provo.org) or using their contact information listed at: <http://provo.org/government/city-council/meet-the-council>

Materials and Agenda: [agendas.provo.org](http://agendas.provo.org)

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The next scheduled Council Meeting will be held on 4/14/2020 at 5:30 PM. The meeting will be streamed on YouTube, unless otherwise noticed. The Work Meeting start time is to be determined (typically between 12:00 and 4:00 PM) and will be noticed at least 24 hours prior to the meeting.

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

In compliance with the ADA, 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](mailto:evanderwerken@provo.org) at least three working days prior to the meeting. Council meetings are broadcast live and available for on demand viewing at [youtube.com/user/ProvoCityCouncil](https://youtube.com/user/ProvoCityCouncil). Closed-captioning is available on YouTube.

## **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**

Pursuant to Executive Order 2020-01, certain requirements of Utah Code 52-4-202 and 52-4-207 have been waived. There will be no anchor location for this meeting; it will be conducted exclusively using online means and will be available to view on YouTube at [youtube.com/user/ProvoCityCouncil](https://youtube.com/user/ProvoCityCouncil). This meeting was noticed in compliance with Executive Order 2020-01, which supersedes some requirements listed in Utah Code 52-4-202 and Provo City Code 14.02.010. Agendas and minutes are accessible through the Provo City website at [agendas.provo.org](http://agendas.provo.org). Council meeting agendas are available through the Utah Public Meeting Notice website at [utah.gov/pmn](http://utah.gov/pmn), which also offers email subscriptions to notices.

# PROVO MUNICIPAL COUNCIL

## STAFF REPORT



**Submitter:** JMCKNIGHT  
**Department:** Public Works  
**Requested Meeting Date:** 03-31-2020

**SUBJECT:** A presentation on Provo City's Vehicle Replacement 5 Year Plan. (20-007)

**RECOMMENDATION:** The purpose of this item is to review the 5 year vehicle replacement funding plan and explain additional funding being requested.

**BACKGROUND:** The Vehicle Replacement Fund is utilized as a internal service funding mechanism for the purchase of vehicles for all City Departments. Purchases of General Fund vehicles have historically been repaid as 5 year loans back to the bank. The Fleet Advisory Committee with representatives from several departments have met and vetted each General Fund departments' priorities for replacements for the next 5 years. These priorities and associated additional funding requirements will be explained to the Council.

**FISCAL IMPACT:** Yes, additional General Fund resources are being requested

**PRESENTER'S NAME:** John Borget

**REQUESTED DURATION OF PRESENTATION:** 30 minutes

**COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:**

**CITYVIEW OR ISSUE FILE NUMBER:** 20-007

# Vehicle Replacement

March 31, 2020

# History

- 2008 recession resulted in elimination of funding for vehicle replacements for some years
- 2011-2012 Mercury and Associates Study
  - Utilization study to determine correct Fleet size
  - Vehicle and equipment replacement cycle based on mileage, age, and hours
- 2014 - Fleet Advisory Committee (FLAC) created
- 5 Year Plan FY2014-FY2019
  - Consistent General Fund allocation for vehicle loan payments
  - Reworked ambulance and fire apparatus replacement plans

# Fleet Advisory Committee

- Roles
  - Evaluate and Prioritize Vehicle Replacement
    - Age, mileage, cost of operation
- Members
  - Representation from City Departments representing General, Internal and Enterprise Funds
    - Police
    - Fire
    - Parks and Recreation
    - Public Works
    - Energy
    - Fleet Manager
    - Finance

# Vehicle Funding Bank

- Internal funding mechanism
- Used to pay for upfront cost of new vehicles
- Loans created to pay back purchases over time
- Major purchases like Fire apparatus are funded externally
- Loaned at 2% interest rate over 5 years to maintain fund into the future
- Some enterprise funds have opted to pay for purchases outright
- Impact on General Fund budget comes from making loan payments to the vehicle bank and lease payments to external sources

# Challenges Impacting Fleet Funding

- Tariffs, advanced technology, other inflationary increases on the cost of vehicles
  - Fully outfitted Police patrol vehicle
    - 2011 - \$32,000-\$37,000 (45 in Fleet)
    - 2020 - \$55,000-\$61,000 (71 in Fleet)
  - Fire Ladder Truck
    - 2006 - \$660,000
    - 2020 - \$1,300,000

# General Fund Impact

	FY 2020-2021 Estimate	FY 2021-2022 Estimate	FY 2022-2023 Estimate	FY 2023-2024 Estimate	FY 2024-2025 Estimate	Total
City Pool Vehicles	\$ -	\$ 29,705	\$ -	\$ -	\$ -	\$ 29,705
Development Services	-	25,462	-	-	32,460	57,921
Community and Neighborhood Services	29,870	-	31,689	27,012	-	88,571
Engineering	28,840	31,827	34,967	-	-	95,634
Fire	394,902	604,713	773,651	877,897	687,450	3,338,612
Parking Enforcement	-	-	38,245	39,393	-	77,638
Parks	402,190	368,916	383,588	423,046	414,718	1,992,458
Police	751,900	788,249	773,651	664,050	843,952	3,821,801
Streets	560,840	498,937	723,519	819,351	784,685	3,387,332
<b>Total Project Costs</b>	<b>\$ 2,168,542</b>	<b>\$ 2,347,808</b>	<b>\$ 2,759,310</b>	<b>\$ 2,850,750</b>	<b>\$ 2,763,264</b>	<b>\$ 12,889,674</b>
General Fund Loan Payments	\$2,759,040	\$2,731,015	\$3,055,267	\$3,278,734	\$3,352,311	
FY20 Funding Level	\$2,319,395	\$2,319,395	\$2,319,395	\$2,319,395	\$2,319,395	
Difference	\$ (439,645)	\$ (411,620)	\$ (735,872)	\$ (959,339)	\$ (1,032,916)	

# FY21 Replacement List by Age and Dept.

Year	Count
1986	1
1997	1
1998	1
2001	1
2003	3
2004	3
2005	5
2006	1
2007	2
2008	4
2010	2
2011	6
2012	4
2013	3
2014	1
Total	38

Department	Count
CNS	1
Engineering	1
Fire	7
Parks	9
Police	15
Streets	5
Total	38

# PROVO MUNICIPAL COUNCIL

## STAFF REPORT



**Submitter:** DIXONH  
**Department:** Mayor Office  
**Requested Meeting Date:** 03-31-2020

**SUBJECT:** A presentation to the Municipal Council in order to provide information regarding Public Infrastructure Districts (PIDs). (20-063)

**RECOMMENDATION:** Hear a presentation by Mayors Office staff and consults representing the medical school and medical school housing at the golf course for the purpose of providing an overview and background for Provo City to consider the use and approval of Public Infrastructure Districts (PIDs).

**BACKGROUND:** The developers of the medical school and medical school housing at the golf course will be building a public road as a part of the access off of Lakeview Parkway. A significant portion of this new road, which will also include several utility lines, will pass through the former golf course, which is also a former land fill. It has been determined that all former land fill material within the road right of way profile will be required to be removed and hauled away. It is estimated this will cost upwards of \$10 Million. The developer is looking for ways to pay for this large cost item and spread the payment of this work over time. Utah Senate Bill 228 (Public Infrastructure Districts Act) became effective May 14, 2019. This legislation created a funding mechanism for land developers to fund public infrastructure and attach the cost of said improvement to the property tax assessment through the creation of an independent taxing entity. The purpose of this item is to inform the Municipal Council of the implication and issues revolving around this funding mechanism.

**FISCAL IMPACT:** No direct or indirect cost to Provo, but for staff time vetting this request.

**PRESENTER'S NAME:** Dixon Holmes and Randall Larsen

**REQUESTED DURATION OF PRESENTATION:** 30 minutes

**COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:**

**CITYVIEW OR ISSUE FILE NUMBER:** 20-063



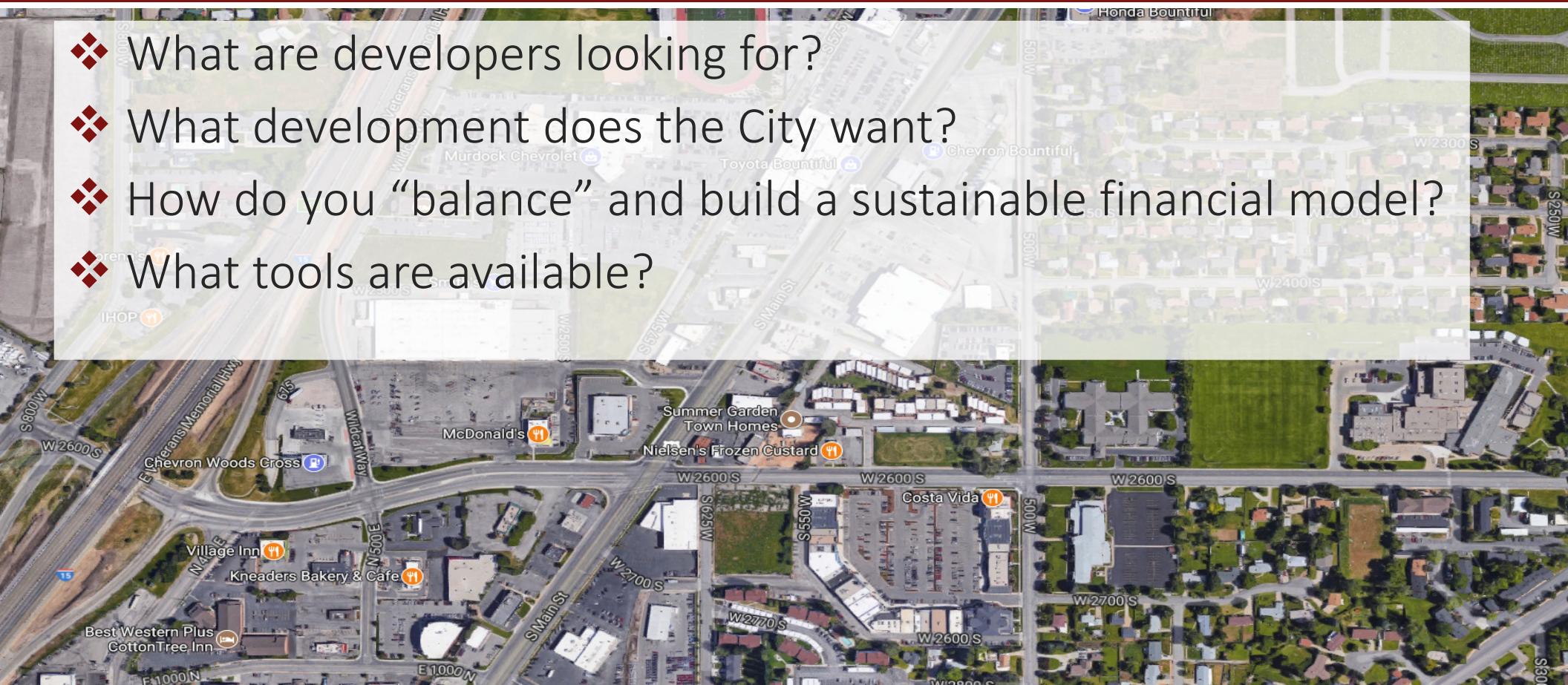
# ECONOMIC DEVELOPMENT

Public Infrastructure Districts

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# Creating a Balanced Economy

- ❖ What are developers looking for?
- ❖ What development does the City want?
- ❖ How do you “balance” and build a sustainable financial model?
- ❖ What tools are available?



# ❖ City Vision



# ❖ Developer Vision



## Public Infrastructure Districts

### ❖ Senate Bill 228

- Cities and Counties create
- Legally separate governmental entity
- Debt issuer and off balance sheet
- Secured by
  - Assessments
  - Property taxes within PID



## ❖ Creation

- At discretion of City or County and with limitations imposed
- Limitations should be thoroughly vetted by advisor and bond counsel
- Governing Document act as a “master” agreement with interlocal spelling out specific interactions between creator and PID
- Board from initial property owners and elected thereafter as available

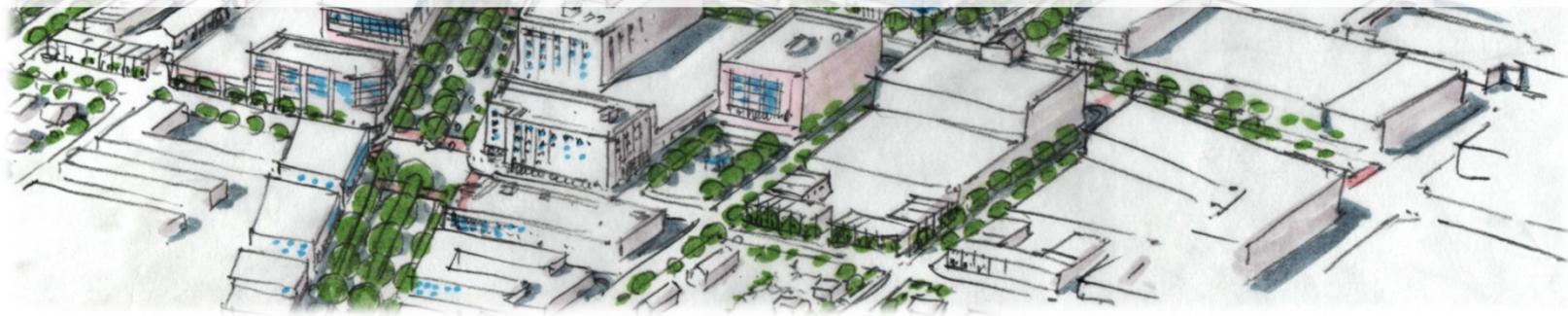
## ❖ Property tax

- Limited at time of creation
- As value changes, the tax rate moves with the market
- Capped at .0015

## Public Infrastructure Districts

### ❖ Debt issued by a PID

- Special Assessment or Limited Tax General Obligation bonds
- Limit GO bonds means limited
  - Values drop, revenue drops, bondholders wait for payment (40 years max)
- Investor base limited to 144A-type investors or \$500,000 denominations
- Rates higher than municipality secured bonds



## ❖ Things to consider

- Statute sets outer limits that are constrained by Governing Document
- City or County
  - Dictate board terms and processes
  - Set tax levy limits
  - Limit amount, timing, terms, frequency of debt authorized
  - Dictate PID lifespan
  - Allow combination with TIF or other tools
  - Determine interaction with impact fees



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## **UTAH SENATE BILL 228 – PUBLIC INFRASTRUCTURE DISTRICT ACT**

Senate Bill 228 grants Cities and Counties in Utah the power to create Public Infrastructure Districts (PIDs) to finance public infrastructure for new development. This infrastructure may be financed by issuing bonds repayable from property taxes or assessments on the property owners of the development. PIDs are an exciting new economic development tool for Cities and Counties along with property owners. -- *SB 228 became effective on May 14, 2019.*

### **Summary**

- PIDs are local districts under Title 17B and constitute independent political subdivisions, as such they are not a component unit of the City or County that creates the PID (Creating Entity).
- Debt issued by PIDs is not a liability of the Creating Entity or the State, therefore PID debt is a non-balance sheet item.
- Debt is repaid solely from a Limited Property Tax or Assessments imposed by the PID.
- Formation requires 100% consent of property owners and any voters in the PID boundaries.
- PIDs have fairly broad powers to finance public infrastructure of many types generally including any improvement that will be owned by a state or local government, including the PID.
- PIDs have authority to finance capital costs of improvements in an energy assessment area, commonly referred to as Property Assessed Clean Energy (PACE) improvements.

### **PID Formation and Governance**

PIDs are formed similarly to other local districts except for the additional requirement of consent of 100% of property owners and voters within PID boundaries. The creation of a PID is at the discretion of the Creating Entity. We recommend that each potential Creating Entity adopt standard policies for how it will evaluate all PID requests in light of its overall objectives. Negotiations with any property owner on a PID request should require legal representation of counsel to the City, with all costs paid by the property owner and not contingent on a successful PID creation. Creating Entities may also consider utilizing a financial advisor under similar circumstances. We recommend that property owners applying for a PID also obtain their own legal representation.

In addition to the statutory requirements, PIDs are governed by a Governing Document agreed to at the time of creation with the Creating Entity. The Governing Document may include limitations on the powers of the PID, establish reporting requirements, establish debt and mill rate levy limits, in addition to other limitations in accordance with the Creating Entity's policies and objectives. The Governing Document is enforced contractually through an Interlocal Agreement between the Creating Entity and the PID. Again here, the Creating Entity and the property owner should each be represented by counsel at the expense of the property owner.

PIDs are governed by a Board initially appointed by the Creating Entity with initial members being property owners or designated representatives of property owners. The appointed Board then transitions to an elected board after new electors reside or own property in the PID, as established in the Governing Document.

## Debt Issuance

In addition to special assessment and standard general obligation bonds, PIDs may issue limited tax bonds which are repaid from a limited ad valorem property tax not to exceed more than 15 mills (or any lower limit established in the Governing Document or bond documents). In the event the proceeds of the limited tax are insufficient to meet annual debt service as it comes due, the bondholder has no statutory remedy to require additional taxes or fees of the PID, nor statutory recourse to the property or the property owner. Limited tax bonds must mature within 40 years of issuance and unlike general obligation bonds, are not constrained by a ratio compared to fair market value. The statute limits sale of limited tax bonds to qualified institutional buyers or to be sold in denominations of \$500,000.

## Considerations for the Creating Entity in Drafting the Governing Document:

- The statute only establishes the outer limits of what a PID can do, the Creating Entity may consider additional limits to each PID in the Governing Document.
- Board member term lengths and transition to elected board seats, including the possibility of divisions and interlinked PIDs for phases of development.
- Improvements that the Creating Entity will allow the PID to finance (can be used in conjunction with the development agreement to finance improvements/benefits to the property owner and the Creating Entity).
- Establish a mill rate limit appropriate to accomplish financing of approved improvements.
- Establish standards for general obligation bonding, procurement (including requiring third-party engineer certifications as to fair market value for acquisitions of improvements by PID), PID lifespan and dissolution if no activity within a certain timeframe, etc.
- Creating Entity input into any enhanced disclosure to future property owners.
- Proper legal tax analysis over all Governing Document negotiations to ensure eligibility for desired tax-exempt financing and that the PID constitutes a “separate political subdivision” for tax purposes.
- Ability to leverage with TIF, assessment, and other economic development revenues.
- Interaction with capital facility plans and impact fees.

*For further information, please contact:*

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**IT MATTERS WHO YOU LISTEN TO.**

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## **Model Creating Entity Policy Document**

This model policy document was created by Gilmore & Bell, P.C. and is not intended to address all of the needs and concerns of each municipality or county ("Creating Entity") considering the creation of a public infrastructure district ("PID"). The policies and goals of each Creating Entity are likely to be unique to that entity. As such, Creating Entities are strongly encouraged to consult with us or other experienced counsel to ensure that their policies and objectives are met. The creation of a PID will also require legal expertise familiar with PIDs, local district law, and public finance law to ensure that the Creating Entity will retain separate entity status from the PID in order to retain its liability defense and ensure that PID debts are not a balance sheet item for the Creating Entity. In addition, this expertise is necessary to ensure that the PID's bonds are eligible for tax exemption.

The attorneys at Gilmore & Bell, P.C. have over 135 years of experience in assisting local governments across Utah and were deeply involved in drafting the Public Infrastructure District Act and working with the Utah League of Cities and Towns, Utah Association of Counties, and the Utah Association of Special Districts to ensure the legislation met their policy objectives. We would welcome the opportunity to discuss PIDs with your entity and to establish a model policy addressing your specific circumstances and needs.

### **For further information, please contact:**

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[Creating Entity]  
[Department Name]

## **POLICY STATEMENT: ESTABLISHING PUBLIC INFRASTRUCTURE DISTRICTS**

The magnitude of local and regional infrastructure needed in the Creating Entity's new development areas and in redevelopment areas requires that a broad range of financing tools be available to finance that infrastructure. This policy statement addresses the criteria under which the Creating Entity will consider applications for proposed Public Infrastructure Districts (the "District"). Compliance with these criteria shall not obligate the Creating Entity to approve formation of the District. The Governing Document will be subject to approval by the Creating Entity in both form and substance. The criteria are intended to serve as guidelines for the review of letters of intent and Governing Documents.

The policy statement has three sections:

- 1. Process for applying including fees charged**
- 2. The Creating Entity's decision-making criteria**
- 3. Governing Document requirements**

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### **I. Process and Fees**

Any proposed Public Infrastructure District will be considered in relation to the best interests of the Creating Entity. Such interests include using the most appropriate financing mechanism for the type and magnitude of the improvements to be financed and appropriate governance mechanism. If through the review process, a Public Infrastructure District is determined to be the most appropriate mechanism, the process, the criteria, and requirements provided herein will apply, unless otherwise waived by the Creating Entity.

#### **A. Letter of intent to form a Public Infrastructure District**

The applicant shall submit a letter of intent containing the following information in summary form. This letter will be used by staff to make a preliminary determination about the appropriateness of a District and must be submitted prior to submittal of a draft Governing Document. A positive staff response to the Letter of Intent does not assure approval of the Governing Document.

Letter of Intent contents:

1. Description of District area including size, location, area context (significant natural and man-made features, major public improvements, adjacent development), development history, and proposed development;
2. Summary of needed infrastructure, services and facilities:
  - a. Currently expected development scenario;
  - b. Required local and regional infrastructure and facilities for such development;

- c. Regional and local infrastructure the proposed District is to provide;
- d. Estimated construction costs for the proposed District improvements;
- e. General description of phasing of construction based on development projections; and
- f. A sample plan of finance depicting the possible sources and uses of funds for the District.

3. Proposed timeline for District creation.

4. Acknowledgement that a consent must be signed prior to the hearing date for the governing document by all property owners and registered voters, if any, within the proposed District boundaries approving of the creation of the proposed District and consenting to the issuance of debt in an amount sufficient for the proposed plan of financing.

5. Disclosure of any conflicts of interest between the applicant and the officers and employees of the Creating Entity.

6. Copies of signed engagement letters between the applicant and applicable consultants and legal counsel retained by the Creating Entity and/or the proposed District whereby applicant agrees to pay fees related to the review of the application and governing document.

**B. Review Process**

1. The District Advisory Committee (“DAC”) is a Creating Entity committee that advises the Mayor, Creating Entity Council and other policy-makers about district issues. The DAC includes representatives of the departments of [Community Planning and Development, Law, Revenue, Public Works and Budget and Management,] as well as other agencies as needed.

The DAC will review the letter of intent utilizing these criteria to determine whether or not to direct the applicant to proceed with preparation of a draft Governing Document for submittal. Conceptual approval does not assure approval of the governing document.

**C. Governing Document**

1. If the concept for the District as contained in the letter of intent is approved, the applicant shall submit a draft Governing Document to the Creating Entity’s Management Office.
2. The draft Governing Document will be reviewed by the DAC for compliance with the criteria and requirements contained herein. The DAC will discuss with appropriate policy-makers issues that arise during this drafting period to have such issues resolved.
3. The final Governing Document will be forwarded to Creating Entity Council for action through the standard Creating Entity and statutory processes.

**D. Fees**

No request to create a Public Infrastructure District shall proceed until the fees set forth herein are provided for. All checks are to be made payable to \_\_\_\_\_ and sent to the \_\_\_\_\_ Office.

1. Letter of Intent: A Letter of Intent is to be submitted to the Creating Entity Managers Office and a \$\_\_\_\_\_ fee shall be paid at the time of submittal of the Letter to cover the cost of staff review.
2. If the applicant proceeds to the submittal of a Governing Document an application fee of \$\_\_\_\_\_ shall be submitted concurrent with the draft Governing Document
3. Other Expenses: In the event the costs of review exceed the application fee, the applicant for a District shall pay all reasonable consultant, legal, and other fees and expenses incurred by the Creating Entity in the process of reviewing the draft Governing Document prior to adoption, documents related to a bond issue and other such fees and expenses as may be necessary to interface with such District. All such fees and expenses shall be paid within 30 days of receipt of an invoice for these additional fees and expenses.

## **II. Criteria for Evaluating Proposed Public Infrastructure Districts**

### **A. Public Benefit**

Formation of a District bestows certain benefits on the District's proponents and is expected to provide public benefit consistent with the Creating Entities policy goals. Components of public benefit to be considered may include:

1. Resulting development that is in conformance with the Municipality's Comprehensive Plan and all applicable supplements;
2. Provision of and/or contribution to needed regional and sub-regional infrastructure;
3. Sustainable design including multimodal transportation, water conserving landscape design, thoughtful development phasing, green building design, and formation of and participation in transportation management programs;
4. Mixed-use development that includes a variety of housing types and prices, a range of employment opportunities, retail and consumer services, and civic amenities; and
5. High quality site and building design, including street connectivity, multimodal street design, durable construction materials, and pedestrian-friendly building design.

### **B. Evaluation Criteria**

These criteria provide thresholds for consideration. Compliance with some or all of these criteria is desired; however, alternative approaches may be considered.

1. Districts should not include land that is already included within the boundaries of another public infrastructure district without express provision in an adopted Governing Document.

In such cases, the relationship with the existing districts must be addressed in the Governing Document.

2. A District planning to levy more than \_\_\_ mills of tax in the District for repayment of limited tax bonds will not be considered without sufficient justification as to why additional mills are necessary and reasonable for the development.
3. There must be a demonstrated public benefit directly resulting from the creation of the District and its undertakings as described in the Governing Document.

#### **C. Evaluation of Applicant**

The following criteria relating to the applicant and the development will be considered:

1. Historical performance of the applicant (within and outside of the Creating Entity);
2. The current proposed plan of finance of the District;
3. The current development plans relationship to the master plans of the Creating Entity; and
4. The regional or overall benefits to the Creating Entity from the proposed plan of finance.

### **III. Governing Document Requirements**

In addition to statutory requirements, a Governing Document memorializes the understandings between the District and the Creating Entity, as well as the considerations that compelled the Creating Entity to authorize the formation of the District. The Governing Document for the proposed District shall not contain and will be reviewed for compliance with the following policies and requirements.

#### **A. District Description**

1. Description of District area including size, location, area context (significant natural and man-made features, major public improvements, adjacent development), development history, and proposed development scenario (land uses by type and intensity and general urban design character);
2. Description of the public benefit resulting from the creation of the District and its undertakings;
3. Description of proposed development within the boundaries of the proposed District including general distribution of land uses and densities and phasing of development;
4. If the District boundaries overlap with another district, an explanation of the relationship between the districts;
5. Itemization and description of all needed infrastructure (both regional and local) and facilities in the District's area;

6. Estimated construction costs of such infrastructure;
7. General description of phasing of construction based on development projections and phasing;
8. Provide the following financial plan information:
  - a. Proforma financial overview of total costs and total revenues from all revenue sources;
  - b. An example plan of finance showing a proposal of how the proposed financing might take place, recognizing that the actual financing terms and structure will be approved by the board of trustees of the District (the “Board”) within the parameters of this Governing Document;
  - c. Anticipated maximum or fixed maximum mill levy required to meet debt service of the District;
  - d. Analysis of proposed mill levies in light of outstanding debt and mill levies of other taxing entities affecting the area;
  - e. Comparison of the mill levies of similar taxing entities in the area;
  - f. Proposed operating budgets for the District’s first three years of existence; and
  - g. Any other forms of public financing and assistance being sought, including assessment areas.
9. Description of the ultimate ownership and provision for the ongoing operating and maintenance costs for infrastructure.
10. Description of any proposed divisions and an inclusion/exclusion process as appropriate.
11. Proposed governance plan, including Board structure and to transition from appointed Board to elected Board.

**B. Requirements and Expectations**

1. The planned ownership of the Improvements, including any relationship with an existing statutory district must be addressed in the Governing Document.
2. All debt issued by the District for which a tax is pledged to pay the debt service shall meet the requirements of all applicable statutes.
3. Land, easements or improvements to be conveyed or dedicated to the Creating Entity and any other local government entity shall be conveyed in accordance with the related standards at no cost to the Creating Entity.

4. All public infrastructure within the District which will be connected to and owned by another public entity shall be subject to all design and inspection requirements and other standards of such public entity.
5. The District shall not pledge as security any land, assets or funds to be transferred to the Creating Entity.
6. The District shall be subject to Creating Entity zoning, subdivision, building codes, and all other applicable Creating Entity ordinances and regulations. Approval of the Governing Document shall not bind the Creating Entity to approve other matters which the District or developer may request.
7. The District shall pay all fees and expenses as provided in the Governing Document.
8. The District may not double tax, whether by mill levy, assessment, impact fees, or any combination thereof; any end user for the costs of improvements.

C. Disclosure and Reporting Requirements

Disclosure of the existence of the District to property owners and potential property owners within the District is important and the following actions to be taken by each District shall be included in the Governing Document.

1. Within 30 days after the formation of the District, the Board shall record a notice with the county recorder:
  - a. Containing a description of the boundaries of the District;
  - b. Stating that a copy of the Governing Document is on file at the office of the Creating Entity;
  - c. Stating that the District may finance and repay infrastructure and other improvements through the levy of a property tax;
  - d. Stating the maximum rate that the District may levy; and
  - e. If applicable, stating that the debt may convert to general obligation debt and outlining the provisions relating to conversion.
2. At least annually following the formation of the District, the District shall notify (by mail, e-mail, or posting to the District's website) property owners in the District of the existence of the District and of the next scheduled meeting of the Board of the District. Such meeting shall occur at least 30 days and not more than 60 days following the date of the notice. Such notification shall include names and addresses of the Board of Directors and officers, the address, telephone and fax numbers, and e-mail address of the District, and shall include reference to the existence of a District file maintained by the Creating Entity as described below.

3. The District shall provide the following information to the Creating Entity Manager's Office on an annual basis, and the District shall create and maintain a file for public review of the following information.
  - a. Annual District budget;
  - b. Annual audited financial statements of the District;
  - c. Total debt authorized and total debt issued and presently planned debt issuances;
  - d. Names and terms of Board members and officers and progress towards milestones required for transition to elected Board;
  - e. Rules and regulations of the District regarding bidding, conflict of interest, contracting, and other governance matters, if changed;
  - f. List of current interlocal agreements, if changed (to be delivered to the Creating Entity upon request);
  - g. List of all current contracts for services or construction (to be delivered to the Creating Entity upon request);
  - h. Official statements of current outstanding bonded indebtedness, if not previously received by the Creating Entity;
  - i. Current approved Governing Document, if changed; and
  - j. District Office contact information.
4. The following shall be considered significant changes to the Governing Document, thereby requiring approval by the Creating Entity:
  - a. Exclusion or inclusion of property without Governing Document and Statute required approvals;
  - b. Change in the maximum mill levy;
  - c. [Consolidation with any other district;] and
  - d. Change in the dissolution date.

**Submittal Instructions**

Annual Financial Information: Submit one copy of each of the annual financial information, as described in \_\_\_\_ to:

[Enter Creating Entity Manager Address]

All other documents: Submit letters of intent, draft Governing Documents, and all other documents (with the required number of copies) to:

[Enter Creating Entity Manager Address]

Further Information: For additional information please contact the Creating Entity's Manager's Office at the address or telephone number shown below.

[Enter Creating Entity Manager Contact Information]



15 West South Temple, Suite 1450  
Salt Lake City, Utah 84101-1531

(801) 364-5080 / (801) 364-5032 FAX / [gilmorebell.com](http://gilmorebell.com)

## Model Governing Document

This model governing document was created by Gilmore & Bell, P.C. and is not intended to address all of the needs and concerns of each municipality or county ("Creating Entity") considering the creation of a public infrastructure district ("PID"). The policies and goals of each Creating Entity are likely to be unique to that entity. As such, Creating Entities are strongly encouraged to consult with us or other experienced counsel to ensure that their policies and objectives are met. The creation of a PID will also require legal expertise familiar with PIDs, local district law, and public finance law to ensure that the Creating Entity will retain separate entity status from the PID in order to retain its liability defense and ensure that PID debts are not a balance sheet item for the Creating Entity. In addition, this expertise is necessary to ensure that the PID's bonds are eligible for tax exemption.

The attorneys at Gilmore & Bell, P.C. have over 135 years of experience in assisting local governments across Utah and were deeply involved in drafting the Public Infrastructure District Act and working with the Utah League of Cities and Towns, Utah Association of Counties, and the Utah Association of Special Districts to ensure the legislation met their policy objectives. We would welcome the opportunity to discuss PIDs with your entity and to establish a model policy addressing your specific circumstances and needs.

### For further information, please contact:

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**[MODEL GOVERNING DOCUMENT]**

**MODEL GOVERNING DOCUMENT  
FOR**

**\_\_\_\_\_ PUBLIC INFRASTRUCTURE DISTRICT**

**[CREATING ENTITY], UTAH**

Prepared

by

**[NAME OF PERSON OR ENTITY]**

**[ADDRESS]**

**[ADDRESS]**

**[DATE]**

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#### LIST OF EXHIBITS

<b>EXHIBIT A</b>	Legal Descriptions
<b>EXHIBIT B</b>	[City] Vicinity Map
<b>EXHIBIT C-1</b>	Initial District Boundary Map
<b>EXHIBIT C-2</b>	Annexation Area Boundary Map
<b>EXHIBIT D</b>	Interlocal Agreement between the District and [Creating Entity]

## **I. INTRODUCTION**

### **A. Purpose and Intent.**

The District is an independent unit of local government, separate and distinct from the City, and, except as may otherwise be provided for by State or local law or this Governing Document, its activities are subject to review by the City only insofar as they may deviate in a material matter from the requirements of the Governing Document. It is intended that the District will provide a part or all of the Public Improvements for the use and benefit of all anticipated inhabitants and taxpayers of the District. The primary purpose of the District will be to finance the construction of these Public Improvements. The District is not being created to provide any ongoing operations and maintenance services.

### **B. Need for the District.**

There are currently no other governmental entities, including the City, located in the immediate vicinity of the District that consider it desirable, feasible or practical to undertake the planning, design, acquisition, construction installation, relocation, redevelopment, and financing of the Public Improvements needed for the Project. Formation of the District is therefore necessary in order for the Public Improvements required for the Project to be provided in the most economic manner possible.

### **C. Objective of the City Regarding District's Governing Document.**

The City's objective in approving the Governing Document for the District is to authorize the District to provide for the planning, design, acquisition, construction, installation, relocation and redevelopment of the Public Improvements from the proceeds of Debt to be issued by the District. All Debt is expected to be repaid by taxes imposed and collected for no longer than the Maximum Debt Mill Levy Imposition Term for residential properties and at a tax mill levy no higher than the Maximum Debt Mill Levy for commercial and residential properties, and/or repaid by Assessments. Debt which is issued within these parameters and, as further described in the Financial Plan, will insulate property owners from excessive tax burdens to support the servicing of the Debt and will result in a timely and reasonable discharge of the Debt.

This Governing Document is intended to establish a limited purpose for the District and explicit financial constraints that are not to be violated under any circumstances. The primary purpose is to provide for the Public Improvements associated with development and regional needs. **[Operational activities are allowed, but only through an Interlocal Agreement with the City or relevant public entity.]**

It is the intent of the District to dissolve upon payment or defeasance of all Debt incurred or upon a court determination that adequate provision has been made for the payment of all Debt[, and if the District has authorized operating functions under an Interlocal Agreement, to retain only the power necessary to impose and collect taxes or Fees to pay for these costs].

The District shall be authorized to finance the Public Improvements that can be funded from Debt to be repaid from Assessments or from tax revenues collected from a mill levy which shall not exceed the Maximum Debt Mill Levy on taxable properties and which shall not exceed the Maximum Debt Mill Levy Imposition Term on taxable properties. It is the intent of this Governing Document to assure to the extent possible that no taxable property bear an economic burden that is greater than that associated with the Maximum Debt Mill Levy in amount and that no taxable property bear an economic burden that is greater than that associated with the Maximum Debt Mill Levy Imposition Term in duration even under bankruptcy or other unusual situations. Generally, the cost of Public Improvements that cannot be funded within these parameters are not costs to be paid by the District.

## **II. DEFINITIONS**

In this Governing Document, the following terms shall have the meanings indicated below, unless the context hereof clearly requires otherwise:

[Annexation Area Boundaries: means the boundaries of the area described in the Annexation Area Boundary Map which have been approved by the City for annexation into the District upon the meeting of certain requirements.

Annexation Area Boundary Map: means the map attached hereto as **Exhibit C-2**, describing the property proposed for annexation within the District.]

Approved Development Plan: means a Preliminary Development Plan or other process established by the City for identifying, among other things, Public Improvements necessary for facilitating development for property within the District Area as approved by the City pursuant to the City Code and as amended pursuant to the City Code from time to time.

Assessment: means assessments levied in an assessment area created within the District.

Board: means the board of trustees of the District.

Bond, Bonds or Debt: means bonds or other obligations, including loans of any property owner, for the payment of which the District has promised to impose an *ad valorem* property tax mill levy, and/or collect Assessments.

City: means [Creating Entity], Utah.

City Code: means the City Code of [Creating Entity], Utah.

City Council: means the City Council of [Creating Entity], Utah.

District: means the \_\_\_\_\_ Public Infrastructure District.

District Area: means the property within the Initial District Boundary Map [and the Annexation Area Boundary Map].

Division: means a Division of the District as described in Section III and mapped in **Exhibit C-3**.

[End User]: means any owner, or tenant of any owner, of any taxable improvement within the District, who is intended to become burdened by the imposition of ad valorem property taxes subject to the Maximum Debt Mill Levy. By way of illustration, a resident homeowner, renter, commercial property owner, or commercial tenant is an End User. The business entity that constructs homes or commercial structures is not an End User.][Term not currently used]

Fees: means any fee imposed by the District for administrative services provided by the District.

Financial Plan: means the Financial Plan described in Section VIII which describes (i) the potential means whereby the Public Improvements may be financed; (ii) how the Debt is expected to be incurred; and (iii) the estimated operating revenue derived from property taxes for the first budget year.

General Obligation Debt: means a Debt that is directly payable from and secured by ad valorem property taxes that are levied by the District and does not include Limited Tax Debt.

Governing Document: means this Governing Document for the District approved by the City Council.

Governing Document Amendment: means an amendment to the Governing Document approved by the City Council in accordance with the City's ordinance and the applicable state law and approved by the Board in accordance with applicable state law.

Initial District Boundaries: means the boundaries of the area described in the Initial District Boundary Map.

Initial District Boundary Map: means the map attached hereto as **Exhibit C-1**, describing the District's initial boundaries.

Limited Tax Debt: means a debt that is directly payable from and secured by ad valorem property taxes that are levied by the District which may not exceed the Maximum Debt Mill Levy.

Local District Act: means Title 17B of the Utah Code, as amended from time to time.

Maximum Debt Mill Levy: means the maximum mill levy the District is permitted to impose for payment of Debt as set forth in Section VIII.C below.

Maximum Debt Mill Levy Imposition Term: means the maximum term for imposition of a mill levy [for any given series of bonds] [on a particular property] as set forth in Section VIII.D below.

Municipal Advisor: means a consultant that: (i) advises Utah governmental entities on matters relating to the issuance of securities by Utah governmental entities, including matters such as the pricing, sales and marketing of such securities and the procuring of bond ratings, credit enhancement and insurance in respect of such securities; (ii) shall be an underwriter, investment banker, or individual listed as a public finance advisor in the Bond Buyer's Municipal Market Place; and (iii) is not an officer or employee of the District and has not been otherwise engaged to provide services in connection with the transaction related to the applicable Debt.

Project: means the development or property commonly referred to as \_\_\_\_\_.

PID Act: means Title 17B, Chapter 2a, Part 12 of the Utah Code, as amended from time to time.

Public Improvements: means a part or all of the improvements authorized to be planned, designed, acquired, constructed, installed, relocated, redeveloped and financed as generally described in the Local District Act, except as specifically limited in Section V below to serve the future taxpayers and inhabitants of the District Area as determined by the Board.

[Regional Improvements: means Public Improvements and facilities that benefit the District Area and which are to be financed pursuant to Section VII below.]

State: means the State of Utah.

Taxable Property: means real or personal property within the District Area subject to ad valorem taxes imposed by the District.

Trustee: means a member of the Board.

Utah Code: means the Utah Code Annotated 1953, as amended.

### **III. BOUNDARIES**

The area of the Initial District Boundaries includes approximately \_\_\_\_\_ (\_\_\_\_) acres [and the total area proposed to be included in the Annexation Area Boundaries is approximately \_\_\_\_\_ (\_\_\_\_) acres]. A legal description of the Initial District Boundaries [and the Annexation Area Boundaries] is attached hereto as **Exhibit A**. A vicinity map is attached hereto as **Exhibit B**. A map of the Initial District Boundaries is attached hereto as **Exhibit C-1**, [and a map of the Annexation Area Boundaries is attached hereto as **Exhibit C-2**]. It is anticipated that the District's boundaries may change from time to time as it undergoes annexations and withdrawals pursuant to Section 17B-2a-1204, Utah Code, subject to Article V below.

The District shall further be divided into Divisions, with each Division being relatively equal in number of eligible or potential eligible voters after taking into account existing or potential developments which, when completed, would increase or decrease the population within the District. A map of the initial Division boundaries is attached hereto as **Exhibit C-3**. It is anticipated that the Division boundaries may change from time to time as District

boundaries change and as determined by the Board, not more than once every four years in accordance with 17B-2a-1205, Utah Code.

**IV. PROPOSED LAND USE/POPULATION PROJECTIONS/ASSESSED VALUATION**

The District Area consists of approximately \_\_\_\_\_ (\_\_\_\_) acres of \_\_\_\_\_ land. The current assessed valuation of the District Area is \$[0.00] for purposes of this Governing Document and, at build out, is expected to be sufficient to reasonably discharge the Debt under the Financial Plan. The population of the District at build-out is estimated to be approximately \_\_\_\_\_ (\_\_\_\_) people.

Approval of this Governing Document by the City does not imply approval of the development of a specific area within the District, nor does it imply approval of the number of residential units or the total site/floor area of commercial or industrial buildings identified in this Governing Document or any of the exhibits attached thereto, unless the same is contained within an Approved Development Plan.

**V. DESCRIPTION OF PROPOSED POWERS, IMPROVEMENTS AND SERVICES**

**A. Powers of the District and Governing Document Amendment.**

The District shall have the power and authority to provide the Public Improvements within and without the boundaries of the District as such power and authority is described in the Local District Act, and other applicable statutes, common law and the Constitution, subject to the limitations set forth herein.

1. Operations and Maintenance Limitation. The purpose of the District is to plan for, design, acquire, construct, install, relocate, redevelop and finance the Public Improvements. The District shall dedicate the Public Improvements to the City or other appropriate public entity or owners association in a manner consistent with the Approved Development Plan and other rules and regulations of the City and applicable provisions of the City Code. **[The District shall be authorized, but not obligated, to own, operate and maintain Public Improvements not otherwise required to be dedicated to the City or other public entity, including, but not limited to street improvements (including roads, curbs, gutters, culverts, sidewalks, bridges, parking facilities, paving, lighting, grading, landscaping, and other street improvements), traffic and safety controls, retaining walls, park and recreation improvements and facilities, trails, open space, landscaping, drainage improvements (including detention and retention ponds, trickle channels, and other drainage facilities), irrigation system improvements (including wells, pumps, storage facilities, and distribution facilities), and all necessary equipment and appurtenances incident thereto.]** **[All parks and trails owned by the District shall be open to the general public and Non-District [Creating Entity] residents, subject to the rules and regulations of the District as adopted from time to time.]** Trails which are interconnected with a city or regional trail system shall be open to the public

free of charge and on the same basis as residents and owners of taxable property within the District.

**2. Improvements Limitation. Notwithstanding the provisions of Section V.A.1 above, the District shall not be authorized to finance the costs of \_\_\_\_\_.** [Insert any prohibited improvements/facilities here].

**3. Construction Standards Limitation.** The District will ensure that the Public Improvements are designed and constructed in accordance with the standards and specifications of the City and of other governmental entities having proper jurisdiction. The District will obtain the City's approval of civil engineering plans and will obtain applicable permits for construction and installation of Public Improvements prior to performing such work.

**4. Procurement.** The District shall be subject to the Utah Procurement Code, Title 63G, Chapter 6a. Notwithstanding this requirement, the District may acquire completed or partially completed improvements for fair market value as reasonably determined by [any one of][a surveyor or engineer that the District employs or engages to perform the necessary engineering services for and to supervise the construction or installation of the improvements][the Board][the City Council].

**5. Privately Placed Debt Limitation.** Prior to the issuance of any privately placed Debt, the District shall obtain the certification of a Municipal Advisor substantially as follows:

We are [I am] a Municipal Advisor within the meaning of the District's Governing Document.

We [I] certify that (1) the net effective interest rate to be borne by [insert the designation of the Debt] does not exceed a reasonable current [tax-exempt] [taxable] interest rate, using criteria deemed appropriate by us [me] and based upon our [my] analysis of comparable high yield securities; and (2) the structure of [insert designation of the Debt], including maturities and early redemption provisions, is reasonable considering the financial circumstances of the District.]

**6. Annexation and Withdrawal.**

(a) The District shall not include within any of their boundaries any property outside the District Area without the prior written consent of the City. [The City, by resolution, has consented to the annexation of any area within the Annexation Area Boundaries into the District. Such area may only be annexed upon the District obtaining consent of all property owners and registered voters, if any, within the area proposed to be annexed and the passage of a resolution of the Board approving such annexation.

(b) The City, by resolution, has consented to the withdrawal of any area within the District Boundaries from the District. Such area may only be withdrawn upon the District obtaining consent of all property owners and registered voters, if any, within the area

proposed to be withdrawn and the passage of a resolution of the Board approving such annexation.

(c) Any annexation or withdrawal shall be in accordance with the requirements of the PID Act.

(d) Upon any annexation or withdrawal, the District shall provide the City a description of the revised District Boundaries.

(e) Annexation or withdrawal of any area in accordance with V.A.6(a) and (b) shall not constitute an amendment of this Governing Document.]

7. Overlap Limitation. The District shall not consent to the organization of any other [public infrastructure district] district organized under the PID Act within the District Area which will overlap the boundaries of the District unless the aggregate mill levy for payment of Debt of such proposed districts will not at any time exceed the Maximum Debt Mill Levy of the District.]

8. Initial Debt Limitation. On or before the effective date of approval by the City of an Approved Development Plan, the District shall not: (a) issue any Debt; nor (b) impose a mill levy for the payment of Debt by direct imposition or by transfer of funds from the operating fund to the Debt service funds; nor (c) impose and collect any Assessments used for the purpose of repayment of Debt.

9. Total Debt Issuance Limitation. The District shall not issue Debt in excess of \_\_\_\_\_ Dollars (\$\_\_\_\_\_\_). This amount excludes any portion of bonds issued to refund a prior issuance of debt by the District.

10. Bankruptcy Limitation. All of the limitations contained in this Governing Document, including, but not limited to, those pertaining to the Maximum Debt Mill Levy, Maximum Debt Mill Levy Imposition Term and the Fees have been established under the authority of the City to approve a Governing Document with conditions pursuant to Section 17B-2a-1204(4), Utah Code. It is expressly intended that such limitations:

(a) Shall not be subject to set-aside for any reason or by any court of competent jurisdiction, absent a Governing Document Amendment; and

(b) Are, together with all other requirements of Utah law, included in the “political or governmental powers” reserved to the State under the U.S. Bankruptcy Code (11 U.S.C.) Section 903, and are also included in the “regulatory or electoral approval necessary under applicable nonbankruptcy law” as required for confirmation of a Chapter 9 Bankruptcy Plan under Bankruptcy Code Section 943(b)(6).

Any Debt, issued with a pledge or which results in a pledge, that exceeds the Maximum Debt Mill Levy and the Maximum Debt Mill Levy Imposition Term, shall be deemed a material modification of this Governing Document and shall not be an authorized issuance of Debt unless and until such material modification has been approved by the City as part of a Governing Document Amendment.

## 11. Governing Document Amendment Requirement.

(a) This Governing Document has been designed with sufficient flexibility to enable the District to provide required facilities under evolving circumstances without the need for numerous amendments. Actions of the District which violate the limitations set forth in V.A.1-9 above or in VIII.B-G. shall be deemed to be material modifications to this Governing Document and the City shall be entitled to all remedies available under State and local law to enjoin such actions of the District.

(b) Subject to the limitations and exceptions contained herein, this Governing Document may be amended by passage of a resolutions of the City and the District approving such amendment.

## B. Preliminary Engineering Survey.

The District shall have authority to provide for the planning, design, acquisition, construction, installation, relocation, redevelopment, maintenance, and financing of the Public Improvements within and without the boundaries of the District, to be more specifically defined in an Approved Development Plan. An estimate of the costs of the Public Improvements which may be planned for, designed, acquired, constructed, installed, relocated, redeveloped, maintained or financed was prepared based upon a preliminary engineering survey and estimates derived from the zoning on the property in the District Area and is approximately \_\_\_\_\_ Dollars (\$\_\_\_\_\_).

All of the Public Improvements will be designed in such a way as to assure that the Public Improvements standards will be compatible with those of the City and/or any other applicable public entity and shall be in accordance with the requirements of the Approved Development Plan. All construction cost estimates are based on the assumption that construction conforms to applicable local, State or Federal requirements.

## VI. THE BOARD OF TRUSTEES

A. Board Composition. The Board shall be composed of [3][5] Trustees who shall be appointed by the City Council pursuant to the PID Act. Trustees 1, 2, and 3 shall represent Divisions 1, 2, and 3, respectively [with Trustee[s] [3] [4 and 5] being at large seats [could also represent Divisions as desired or all seats could be at large]]. Trustee terms shall be staggered with initial terms as follows: Trustee[s] 1 [and 4] shall serve an initial term of [4] years; Trustees 2 and 3 [and 5] shall serve an initial term of [6] years. In accordance with the PID Act, appointed Trustees shall not be required to be residents of the District.

B. Transition to Elected Board. Respective board seats shall transition from appointed to elected seats according to the following milestones:

1. Trustee 1. Trustee 1 shall transition to an elected seat upon Division 1 \_\_\_\_\_.

2. Trustee 2. Trustee 2 shall transition to an elected seat upon Division 2 \_\_\_\_\_.

3. Trustee 3. Trustee 3 shall transition to an elected seat upon Division 3 \_\_\_\_\_.
4. [Trustee 4]. Trustee 4 shall transition to an elected seat upon the District \_\_\_\_\_.
5. Trustee 5. Trustee 5 shall transition to an elected seat upon the District \_\_\_\_\_. ]

No transition pursuant to this Section shall become effective until the next scheduled regular election of the District.

C. Reelection and Reappointment. Upon the expiration of a Trustee's respective term, any seat which has not transitioned to an elected seat shall be appointed by the City Council pursuant to the PID Act and any seat which has transitioned to an elected seat shall be elected pursuant to an election held for such purpose. In the event that no qualified candidate files to be considered for appointment or files a declaration of candidacy for a seat, such seat may be filled in accordance with the Local District Act.

D. Vacancy. Any vacancy on the Board shall be filled pursuant to the Local District Act.

E. Compensation. Only Trustees who are residents of the District may be compensated for services as Trustee. Such compensation shall be in accordance with State Law.

F. Conflicts of Interest. Trustees shall disclose all conflicts of interest. Any Trustee who discloses such conflicts in accordance with 17B-2a-1205 and 67-16-9, Utah Code, shall be entitled to vote on such matters.

## **VII. REGIONAL IMPROVEMENTS**

The District shall be authorized to provide for the planning, design, acquisition, construction, installation, relocation and/or redevelopment and a contribution to the funding of the Regional Improvements and fund the administration and overhead costs related to the provisions of the Regional Improvements.]

## **VIII. FINANCIAL PLAN**

A. General.

The District shall be authorized to provide for the planning, design, acquisition, construction, installation, relocation and/or redevelopment of the Public Improvements from its revenues and by and through the proceeds of Debt to be issued by the District. The Financial Plan for the District shall be to issue such Debt as the District can reasonably pay within the Maximum Debt Mill Levy Imposition Term from revenues derived from the Maximum Debt Mill Levy, Assessments and other legally available revenues. The total Debt that the District shall be permitted to issue shall not exceed \_\_\_\_\_ Dollars (\$\_\_\_\_\_) and shall be permitted to be issued on a schedule and in such year or years as the District determine shall

meet the needs of the Financial Plan referenced above and phased to serve development as it occurs. Any portion of bonds issued to refund a prior issuance of debt by the District shall not count against the permitted total Debt. All bonds and other Debt issued by the District may be payable from any and all legally available revenues of the District, including general ad valorem taxes to be imposed upon all Taxable Property within the District and Assessments. [The District will also rely upon various other revenue sources authorized by law. These will include the power to assess Fees, penalties, or charges, including as provided in Section 17B-2a-1210, Utah Code, as amended from time to time.]

B. Maximum Voted Interest Rate and Maximum Underwriting Discount.

The interest rate on any Debt is expected to be the market rate at the time the Debt is issued. In the event of a default, the proposed maximum interest rate on any Debt is not expected to exceed eighteen percent (18%). The proposed maximum underwriting discount will be five percent (5%). Debt, when issued, will comply with all relevant requirements of this Governing Document, State law and Federal law as then applicable to the issuance of public securities.

C. Maximum Debt Mill Levy.

(a) The “Maximum Debt Mill Levy” shall be the maximum mill levy the District is permitted to impose upon the taxable property within the District for payment of Limited Tax Debt shall be \_\_\_\_\_ (\_\_\_\_) mills; provided that such levy shall be subject to adjustment as provided in Section 17B-2a-1207(8), Utah Code.

(b) Such Maximum Debt Mill Levy may only be amended pursuant to a Governing Document Amendment and as provided in Section 17B-2a-1205, Utah Code.

D. Maximum Debt Mill Levy Imposition Term.

[[Alt 1]Each bond issued by the District shall mature within \_\_\_\_\_ (\_\_\_\_) years from the date of issuance of such bond. In addition, no mill levy may be imposed for the repayment of a series of bonds after a period exceeding [forty (40)] years from the date of issuance of such bond (the “Maximum Debt Mill Levy Imposition Term”).] [[Alt 2]The District shall not impose a levy for repayment of any and all Debt (or use the proceeds of any mill levy for repayment of Debt) on any single property developed for residential uses which exceeds \_\_\_\_\_ (\_\_\_\_) years after the year of the initial imposition of such mill levy [unless a majority of the Board are residents of the District and have voted in favor of a refunding of a part or all of the Debt and such refunding will result in a net present value savings].]

E. Debt Repayment Sources.

The District may impose a mill levy on taxable property within its boundaries as a primary source of revenue for repayment of debt service. [The District may also rely upon various other revenue sources authorized by law. At the District’s discretion, these may include the power to assess Assessments, penalties, or charges, including as provided in Section 17B-2a-1210, Utah Code, as amended from time to time.] Except as described in Section VIII.C(a), the

debt service mill levy in the District shall not exceed the Maximum Debt Mill Levy or, the Maximum Debt Mill Levy Imposition Term, except for repayment of General Obligation Debt [or pursuant to an Interlocal Agreement between the District and the City for Regional Improvements].

The District shall not be permitted to charge an End User the costs of any portion of a Public Improvement for which such End User has already paid or is presently obligated to pay through any combination of mill levy, Assessment, or impact fee. This provision shall not prohibit the division of costs between mill levies, Assessments, or impact fees, but is intended to prevent double taxation of End Users for the costs of Public Improvements.

F. Debt Instrument Disclosure Requirement.

In the text of each Bond and any other instrument representing and constituting Debt, the District shall set forth a statement in substantially the following form:

By acceptance of this instrument, the owner of this Bond agrees and consents to all of the limitations in respect of the payment of the principal of and interest on this Bond contained herein, in the resolution of the District authorizing the issuance of this Bond and in the Governing Document for creation of the District.

Similar language describing the limitations in respect of the payment of the principal of and interest on Debt set forth in this Governing Document shall be included in any document used for the offering of the Debt for sale to persons, including, but not limited to, a developer of property within the boundaries of the District.

G. Security for Debt.

The District shall not pledge any revenue or property of the City as security for the indebtedness set forth in this Governing Document. Approval of this Governing Document shall not be construed as a guarantee by the City of payment of any of the District's obligations; nor shall anything in the Governing Document be construed so as to create any responsibility or liability on the part of the City in the event of default by the District in the payment of any such obligation.

H. District's Operating Costs.

The estimated cost of acquiring land, engineering services, legal services and administrative services, together with the estimated costs of the District's organization and initial operations, are anticipated to be \_\_\_\_\_ Dollars (\$\_\_\_\_\_), which will be eligible for reimbursement from Debt proceeds.

In addition to the capital costs of the Public Improvements, the District will require operating funds for administration and to plan and cause the Public Improvements to be constructed. The first year's operating budget is estimated to be approximately \_\_\_\_\_

Dollars (\$ \_\_\_\_\_) which is anticipated to be derived from property taxes and other revenues.

## **IX. ANNUAL REPORT**

### **A. General.**

The District shall be responsible for submitting an annual report to the City Manager's Office no later than \_\_\_\_\_ of each year following the year in which the District was created.

### **B. Reporting of Significant Events.**

The annual report shall include information as to any of the following:

1. Boundary changes made or proposed to the District's boundary as of December 31 of the prior year;
2. List of current interlocal agreements, if changed (to be delivered to the Creating Entity upon request);
3. Names and terms of Board members and officers and progress towards milestones required for transition to elected Board;
4. District office contact information;
5. Rules and regulations of the District regarding bidding, conflict of interest, contracting, and other governance matters, if changed;
6. A summary of any litigation which involves the District Public Improvements as of December 31 of the prior year;
7. Status of the District's construction of the Public Improvements as of December 31 of the prior year and listing all facilities and improvements constructed by the District that have been dedicated to and accepted by the City as of December 31 of the prior year;
8. A table summarizing total debt authorized and total debt issued by the District as well as any presently planned debt issuances;
9. Official statements of current outstanding bonded indebtedness, if not previously provided to the Creating Entity;
10. The assessed valuation of the District for the current year;
11. Current year budget including a description of the Public Improvements to be constructed in such year;

12. Audit of the District's financial statements, for the year ending December 31 of the previous year;

13. Notice of any uncured events of default by the District, which continue beyond a ninety (90) day period, under any Debt instrument; and

14. Any inability of the District to pay its obligations as they come due, in accordance with the terms of such obligations, which continue beyond a ninety (90) day period.

## **X. DISSOLUTION**

Upon an independent determination of the City Council that the purposes for which the District was created have been accomplished, the District agrees to file petitions in the appropriate District Court for dissolution, pursuant to the applicable State statutes. In no event shall a dissolution occur until the District has provided for the payment or discharge of all of their outstanding indebtedness and other financial obligations as required pursuant to State statutes.

## **XI. DISCLOSURE TO PURCHASERS**

Within thirty (30) days of the City adopting a resolution creating the District, the Board shall record a notice with the recorder of \_\_\_\_\_. Such notice shall (a) contain a description of the boundaries of the District, (b) state that a copy of this Governing Document is on file at the office of the City, (c) state that the District may finance and repay infrastructure and other improvements through the levy of a property tax; (d) state the Maximum Debt Mill Levy of the District; and (d) if applicable, stating that the debt may convert to general obligation debt and outlining the provisions relating to conversion. Such notice shall further be filed with the City. [Include additional City requested notice requirements – REPC, etc.]

## **XII. INTERLOCAL AGREEMENT**

The form of the Interlocal Agreement required by the City Code, relating to the limitations imposed on the District's activities, is attached hereto as **Exhibit D**. The District shall approve the Interlocal Agreement in the form attached as **Exhibit D** at its first Board meeting after its organizational election. Failure of the District to execute the Interlocal Agreement as required herein shall constitute a material modification and shall require a Governing Document Amendment. The City Council shall approve the Interlocal Agreement in the form attached as **Exhibit D** at the public hearing approving the Governing Document.

## **XIII. CONCLUSION**

[It is submitted that this Governing Document for the District, establishes that:

1. The area to be included in the District does have, and will have, the financial ability to discharge the proposed indebtedness on a reasonable basis.

2. The proposal is in substantial compliance with a comprehensive plan adopted pursuant to the City Code.

3. The proposal is in compliance with any duly adopted City, regional or state long-range water quality management plan for the area.

4. The creation of the District is in the best interests of the area proposed to be served.

**{DO WE NEED/WANT SUCH FINDINGS?}]**

**EXHIBIT A**

Legal Descriptions

**EXHIBIT B**

[Creating Entity] Vicinity Map

**EXHIBIT C-1**

Initial District Boundary Map

**EXHIBIT C-2**

Annexation Area Boundary Map

**EXHIBIT C-3**

Division Boundaries Map

**EXHIBIT D**

Interlocal Agreement between the District and [Creating Entity]

**[GOVERNING DOCUMENT]**

**INTERLOCAL AGREEMENT BETWEEN**

**THE [CREATING ENTITY], UTAH**

**AND**

**PUBLIC INFRASTRUCTURE DISTRICT**

THIS AGREEMENT is made and entered into as of this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by and between the [Creating Entity], a home-rule municipal corporation of the State of Utah (“City”), and \_\_\_\_\_ PUBLIC INFRASTRUCTURE DISTRICT, a political subdivision of the State of Utah (the “District”). The City and the District are collectively referred to as the Parties.

**RECITALS**

WHEREAS, the District was organized to provide to exercise powers as are more specifically set forth in the District’s Governing Document approved by the City on \_\_\_\_\_ (“Governing Document”); and

WHEREAS, the Governing Document makes reference to the execution of an Interlocal Agreement between the City and the District; and

WHEREAS, the City and the District have determined it to be in the best interests of their respective taxpayers, residents and property owners to enter into this Interlocal Agreement (“Agreement”).

NOW, THEREFORE, in consideration of the covenants and mutual agreements herein contained, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto agree as follows:

**COVENANTS AND AGREEMENTS**

1. Operations and Maintenance. The District shall dedicate the Public Improvements (as defined in the Governing Document) to the City or other appropriate jurisdiction in a manner consistent with the Approved Development Plan and other rules and regulations of the City and applicable provisions of the City Code. The District shall be authorized, but not obligated, to own Public Improvements not otherwise required to be dedicated to the City or other public entity, and all necessary equipment and appurtenances incident thereto.

All parks and trails owned by the District shall be open to the general public and Non-District City residents, subject to the rules and regulations of the District as adopted from time to time. Trails which are interconnected with a city or regional trail system shall be open to the public free of charge and on the same basis as residents and owners of taxable property within the District.

2. **[Corresponding Limitation Section Here.]**

3. **Construction Standards.** The District will ensure that the Public Improvements are designed and constructed in accordance with the standards and specifications of the City and of other governmental entities having proper jurisdiction, as applicable. The District will obtain the City's approval of civil engineering plans and will obtain applicable permits for construction and installation of Public Improvements prior to performing such work.

4. **Issuance of Privately Placed Debt.** Prior to the issuance of any privately placed Debt, the District shall obtain the certification of a Municipal Advisor substantially as follows:

We are [I am] a Municipal Advisor within the meaning of the District's Governing Document.

We [I] certify that (1) the net effective interest rate to be borne by [insert the designation of the Debt] does not exceed a reasonable current [tax-exempt] [taxable] interest rate, using criteria deemed appropriate by us [me] and based upon our [my] analysis of comparable high yield securities; and (2) the structure of [insert designation of the Debt], including maturities and early redemption provisions, is reasonable considering the financial circumstances of the District.

5. **Inclusion Limitation.** The District shall not include within any of their boundaries any property outside the District Area without the prior written consent of the City. The District shall not include within any of its boundaries any property inside the inclusion area boundaries without the prior written consent of the City except upon petition of the surface property owners of 100 percent of such property and/or 100 percent of registered voters within the area to be included, as applicable, as provided in Section 17B-2a-1204(3), Utah Code.

6. **[Overlap Limitation.** The District shall not consent to the organization of any other public infrastructure district organized under the PID Act within the District Area which will overlap the boundaries of the District unless the aggregate mill levy for payment of Debt of such proposed districts will not at any time exceed the Maximum Debt Mill Levy of the District.]

7. **Initial Debt.** On or before the effective date of approval by the City of an Approved Development Plan (as defined in the Governing Document), the District shall not: (a) issue any Debt; nor (b) impose a mill levy for the payment of Debt by direct imposition or by transfer of funds from the operating fund to the Debt service funds; nor (c) impose and collect any fees used for the purpose of repayment of Debt.

8. **Total Debt Issuance.** The District shall not issue Debt in excess of \_\_\_\_\_ Dollars (\$\_\_\_\_\_\_). This amount excludes any portion of bonds issued to refund a prior issuance of debt by the District.

9. **Bankruptcy.** All of the limitations contained in this Governing Document, including, but not limited to, those pertaining to the Maximum Debt Mill Levy and the Maximum Debt Mill Levy Imposition Term have been established under the authority of the City

to approve a Governing Document with conditions pursuant to Section 17B-2a-1204(4), Utah Code. It is expressly intended that such limitations:

(a) Shall not be subject to set-aside for any reason or by any court of competent jurisdiction, absent a Governing Document Amendment; and

(b) Are, together with all other requirements of Utah law, included in the “political or governmental powers” reserved to the State under the U.S. Bankruptcy Code (11 U.S.C.) Section 903, and are also included in the “regulatory or electoral approval necessary under applicable nonbankruptcy law” as required for confirmation of a Chapter 9 Bankruptcy Plan under Bankruptcy Code Section 943(b)(6).

Any Debt, issued with a pledge or which results in a pledge, that exceeds the Maximum Debt Mill Levy and the Maximum Debt Mill Levy Imposition Term, shall be deemed a material modification of this Governing Document and shall not be an authorized issuance of Debt unless and until such material modification has been approved by the City as part of a Governing Document Amendment.

10. Dissolution. Upon an independent determination of the City Council that the purposes for which the District was created have been accomplished, the District agrees to file petitions in the appropriate District Court for dissolution, pursuant to the applicable State statutes. In no event shall a dissolution occur until the District has provided for the payment or discharge of all of their outstanding indebtedness and other financial obligations as required pursuant to State statutes.

11. Disclosure to Purchasers. Within thirty (30) days of the City adopting a resolution creating the District, the Board shall record a notice with the recorder of \_\_\_\_\_. Such notice shall (a) contain a description of the boundaries of the District, (b) state that a copy of this Governing Document is on file at the office of the City, (c) state that the District may finance and repay infrastructure and other improvements through the levy of a property tax; (d) state the Maximum Debt Mill Levy of the District; and (d) if applicable, stating that the debt may convert to general obligation debt and outlining the provisions relating to conversion. Such notice shall further be filled with the City. [Include additional City requested notice requirements – REPC, etc.]

12. Governing Document Amendment Requirement. Actions of the District which violate the limitations set forth in V.A.1-9 or VIII.B-G of the Governing Document shall be deemed to be material modifications to the Governing Document and the City shall be entitled to all remedies available under State and local law to enjoin such actions of the District.

13. Annual Report. The District shall be responsible for submitting an annual report to the City Manager’s Office no later than \_\_\_\_\_ of each year following the year in which the District was created, containing the information set forth in Section VIII of the Governing Document.

14. Regional Improvements. The District shall be authorized to provide for the planning, design, acquisition, construction, installation, relocation and/or redevelopment and a

contribution to the funding of the Regional Improvements and fund the administration and overhead costs related to the provisions of the Regional Improvements.

15. Maximum Debt Mill Levy.

(a) The “Maximum Debt Mill Levy” shall be the maximum mill levy the District is permitted to impose upon the taxable property within the District for payment of Limited Tax Debt shall be \_\_\_\_\_ (\_\_\_\_) mills; provided that such levy shall be subject to adjustment as provided in Section 17B-2a-1207(8).

(b) Such Maximum Debt Mill Levy may only be amended pursuant to a Governing Document Amendment and as provided in Section 17B-2a-1205.

16. Maximum Debt Mill Levy Imposition Term. [[Alt 1]Each bond issued by the District shall mature within \_\_\_\_\_ (\_\_\_\_) years from the date of issuance of such bond. In addition, no mill levy may be imposed for the repayment of a series of bonds after a period exceeding [forty (40)] years from the date of issuance of such bond (the “Maximum Debt Mill Levy Imposition Term”).] [[Alt 2]The District shall not impose a levy for repayment of any and all Debt (or use the proceeds of any mill levy for repayment of Debt) on any single property developed for residential uses which exceeds \_\_\_\_\_ (\_\_\_\_) years after the year of the initial imposition of such mill levy [unless a majority of the Board are residents of the District and have voted in favor of a refunding of a part or all of the Debt and such refunding will result in a net present value savings].]

17. Notices. All notices, demands, requests or other communications to be sent by one party to the other hereunder or required by law shall be in writing and shall be deemed to have been validly given or served by delivery of same in person to the address or by courier delivery, via United Parcel Service or other nationally recognized overnight air courier service, or by depositing same in the United States mail, postage prepaid, addressed as follows:

To the District: \_\_\_\_\_ Public Infrastructure district

Attn:  
Phone:  
Fax:

To the City: [Creating Entity]  
[Creating Entity], UT 84 \_\_\_\_\_  
Attn:  
Phone:  
Fax:

All notices, demands, requests or other communications shall be effective upon such personal delivery or one (1) business day after being deposited with United Parcel Service or other nationally recognized overnight air courier service or three (3) business days after

deposit in the United States mail. By giving the other party hereto at least ten (10) days written notice thereof in accordance with the provisions hereof, each of the Parties shall have the right from time to time to change its address.

18. Amendment. This Agreement may be amended, modified, changed, or terminated in whole or in part only by a written agreement duly authorized and executed by the Parties hereto and without amendment to the Governing Document.

19. Assignment. Neither Party hereto shall assign any of its rights nor delegate any of its duties hereunder to any person or entity without having first obtained the prior written consent of the other Party, which consent will not be unreasonably withheld. Any purported assignment or delegation in violation of the provisions hereof shall be void and ineffectual.

20. Default/Remedies. In the event of a breach or default of this Agreement by any Party, the non-defaulting Party shall be entitled to exercise all remedies available at law or in equity, specifically including suits for specific performance and/or monetary damages. In the event of any proceeding to enforce the terms, covenants or conditions hereof, the prevailing Party in such proceeding shall be entitled to obtain as part of its judgment or award its reasonable attorneys' fees.

21. Governing Law and Venue. This Agreement shall be governed and construed under the laws of the State of Utah.

22. Inurement. Each of the terms, covenants and conditions hereof shall be binding upon and inure to the benefit of the Parties hereto and their respective successors and assigns.

23. Integration. This Agreement constitutes the entire agreement between the Parties with respect to the matters addressed herein. All prior discussions and negotiations regarding the subject matter hereof are merged herein.

24. Parties Interested Herein. Nothing expressed or implied in this Agreement is intended or shall be construed to confer upon, or to give to, any person other than the District and the City any right, remedy, or claim under or by reason of this Agreement or any covenants, terms, conditions, or provisions thereof, and all the covenants, terms, conditions, and provisions in this Agreement by and on behalf of the District and the City shall be for the sole and exclusive benefit of the District and the City.

25. Severability. If any covenant, term, condition, or provision under this Agreement shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of such covenant, term, condition, or provision shall not affect any other provision contained herein, the intention being that such provisions are severable.

26. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall constitute an original and all of which shall constitute one and the same document.

27. Paragraph Headings. Paragraph headings are inserted for convenience of reference only.

28. Defined Terms. Capitalized terms used herein and not otherwise defined shall have the meanings ascribed to them in the Governing Document.

**[SIGNATURE PAGE TO INTERLOCAL AGREEMENT]**

PUBLIC  
INFRASTRUCTURE DISTRICT

By: \_\_\_\_\_  
President

Attest:

\_\_\_\_\_  
Secretary

[Creating Entity], UTAH

By: \_\_\_\_\_  
\_\_\_\_\_, Mayor

Attest:

By: \_\_\_\_\_  
Its: \_\_\_\_\_

APPROVED AS TO FORM: \_\_\_\_\_

# PROVO MUNICIPAL COUNCIL

## STAFF REPORT



**Submitter:** HSALZL  
**Department:** Council  
**Requested Meeting Date:** 03-31-2020

**SUBJECT:** A discussion regarding licensing for restaurants with ancillary breweries.  
(20-057)

**RECOMMENDATION:** Hear proposals from the Alcohol Licensing Committee and provide feedback.

**BACKGROUND:** In the Council Meeting on February 18, 2020, the Council amended Provo City Code to permit restaurants with ancillary microbreweries as a permitted use in General Downtown (DT1), Downtown Core (DT2), and Regional Shopping Center zones. The ordinance included a sunrise clause which specified that the ordinance would not take effect until the Council authorized the issuance of a beer license for such restaurants.

In the Work Meeting on March 10, the Council created the Alcohol Licensing Committee. The committee has reviewed best practices, state requirements, Provo City Code, and other cities' policies regarding beer licensing. The committee is now ready to bring their proposals for a new Class "F" Beer License and other potential code amendments to the Council and receive feedback as they prepare their proposals for the Council Meetings in April.

**FISCAL IMPACT:** TBD

**PRESENTER'S NAME:** Hannah Salzl, Policy Analyst

**REQUESTED DURATION OF PRESENTATION:** 20 minutes

**COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:**

**CITYVIEW OR ISSUE FILE NUMBER:** 20-057

# Alcohol Licensing Committee

• • •

Presentation 1 -- Updates and Initial Proposals  
March 31, 2020

# Updates

1. Regulable areas
2. Differences between Provo and DABC regulations
3. Public Works and infrastructure
4. CDC recommends distance requirements to prevent a “drinking district”

# Proposals

## Proposal 2

- Class “F” beer license
- From beginning, bring city code more in line with state requirements
- Density regulations for all new alcohol outlets based on tables

## Proposal 1

- Class “F” beer license
- After Class “F”, bring city code more in line with state requirements
- Density regulations for brewpubs -- 120 ft (across the street)
- Prohibit minors from being employed at brewpubs

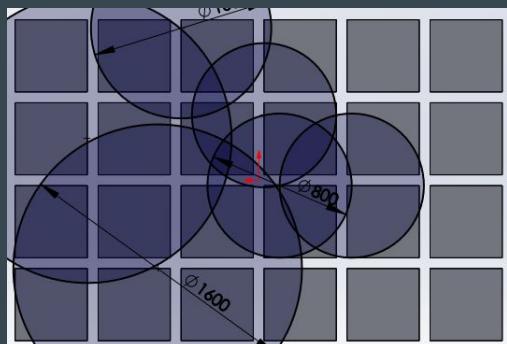
## Commonalities

- Class “F” beer license
- Bring city code more in line with state requirements
- Density regulations

# Proposal 1 Tables and Maps

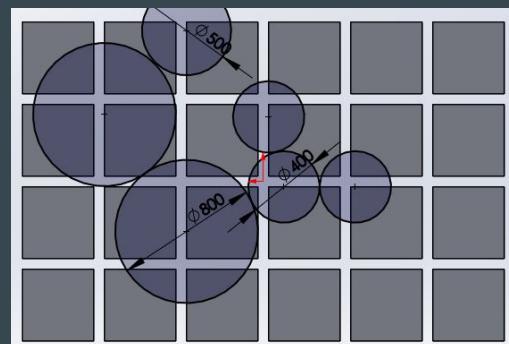
Option 1a -- min distance

Licenses	"B"	"F"	"C"
"B"	400'	500'	800'
"F"	500'	500'	800'
"C"	800'	800'	800'



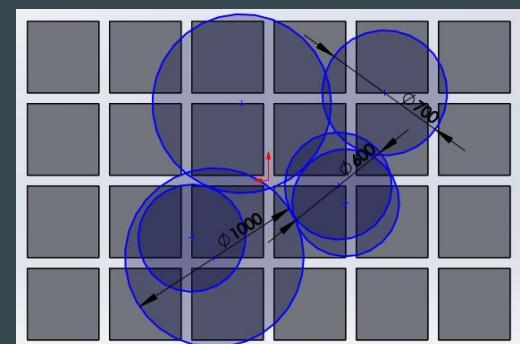
Option 1b -- min distance

Licenses	"B"	"F"	"C"
"B"	400'	450'	600'
"F"	450'	500'	650'
"C"	600'	650'	800'



Option 1a -- 2 within distance

Licenses	"B"	"F"	"C"
"B"	400'	450'	600'
"F"	450'	500'	650'
"C"	600'	650'	800'



400 feet is one block

# Feedback and Input

1. Should the Council focus on brewpub licensing as a first step of further revisions or on a comprehensive review from the beginning?
2. How should the density be addressed?
3. Other details of the proposals

# PROVO MUNICIPAL COUNCIL

## STAFF REPORT



**Submitter:** JMAGNESS  
**Department:** Council  
**Requested Meeting Date:** 03-31-2020

**SUBJECT:** A presentation from the Joaquin Parking Committee. (20-074)

**RECOMMENDATION:** Receive presentation and make recommendations. This discussion is to address the cost analysis and give the Council the opportunity to weigh in before the Joaquin Parking Committee brings the proposal to the Administration, department heads, and the Joaquin Neighborhood in advance of a public hearing.

**BACKGROUND:** The Joaquin Neighborhood Parking Steering Committee approached the Council to address parking in Joaquin – one of the most diverse and densely populated neighborhoods in Provo. Since then, the Joaquin Parking Committee has put out a public survey, researched how other university towns manage their parking, held several focus groups, and talked with students, landlords, residents, business owners, and representatives from BYU. The committee has drafted a comprehensive parking management program that includes permit parking, paid visitor parking, and additional parking spaces.

The program does have some startup costs, which will be addressed in the budget requests for the Community and Neighborhood Services Department. Ongoing costs will be covered by revenue from the program, with any remaining funds reinvested in neighborhood improvements. The program has been reviewed with Parking Enforcement and the Joaquin Neighborhood Chair. The next steps for the committee are to meet with department heads and present the program at a neighborhood meeting.

**FISCAL IMPACT:** TBD

**PRESENTER'S NAME:** Councilor Dave Harding and Hannah Salzl, Policy Analyst

**REQUESTED DURATION OF PRESENTATION:** 15 minutes

**COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:**

**CITYVIEW OR ISSUE FILE NUMBER:** 20-074

# Joaquin Parking Management Plan

## The Basics

### ADDITIONAL PARKING

- Diagonal back-in
- Permit the transfer off-street spaces
- Peaks Ice Arena
- Library

### LOCATION

- Neighborhood-wide
- Areas may opt out
- Bordering areas may opt in

### COST

- Will cover enforcement
- \$30-50/year for property owner
- Paid visitor parking

### PAID VISITOR PARKING

- Neighborhood-wide
- First 30 minutes free
- Priced by demand
- Register and pay by app, online, or by phone

### ALLOCATION

- By frontage
- Will count toward landlords' total parking
- Undersold by 10%

### AREA OF VALIDITY

- Permits are transferable
- Valid within 3 blocks of original property

### SURPLUS POOL

- Excess frontage from corner lots, chapels
- Available first to properties allocated no parking spaces

### BUSINESSES

- Owners could request "Customer Only" designations for allocated and purchased spaces



For more information, visit [insert bit.ly link]

Joaquin Parking spreadsheet link

<https://docs.google.com/spreadsheets/d/1-aDDrkwSWQNALlbTmRGzjOUa5XGnmjoAAhKt1DXuvQc/edit#gid=0>

# PROVO MUNICIPAL COUNCIL

## STAFF REPORT



**Submitter:** HSALZL  
**Department:** Council  
**Requested Meeting Date:**

**SUBJECT:** A discussion regarding updating the General Plan. (20-068)

**RECOMMENDATION:** Provide high-level direction to the planners

**BACKGROUND:** The long-range planners have requested to attend a Work Session and update the Council on the General Plan. They have also requested high-level direction as they begin strategizing about how best to approach updating and revising the General Plan.

**FISCAL IMPACT:** TBD

**PRESENTER'S NAME:** Robert Mills, Provo City Planner

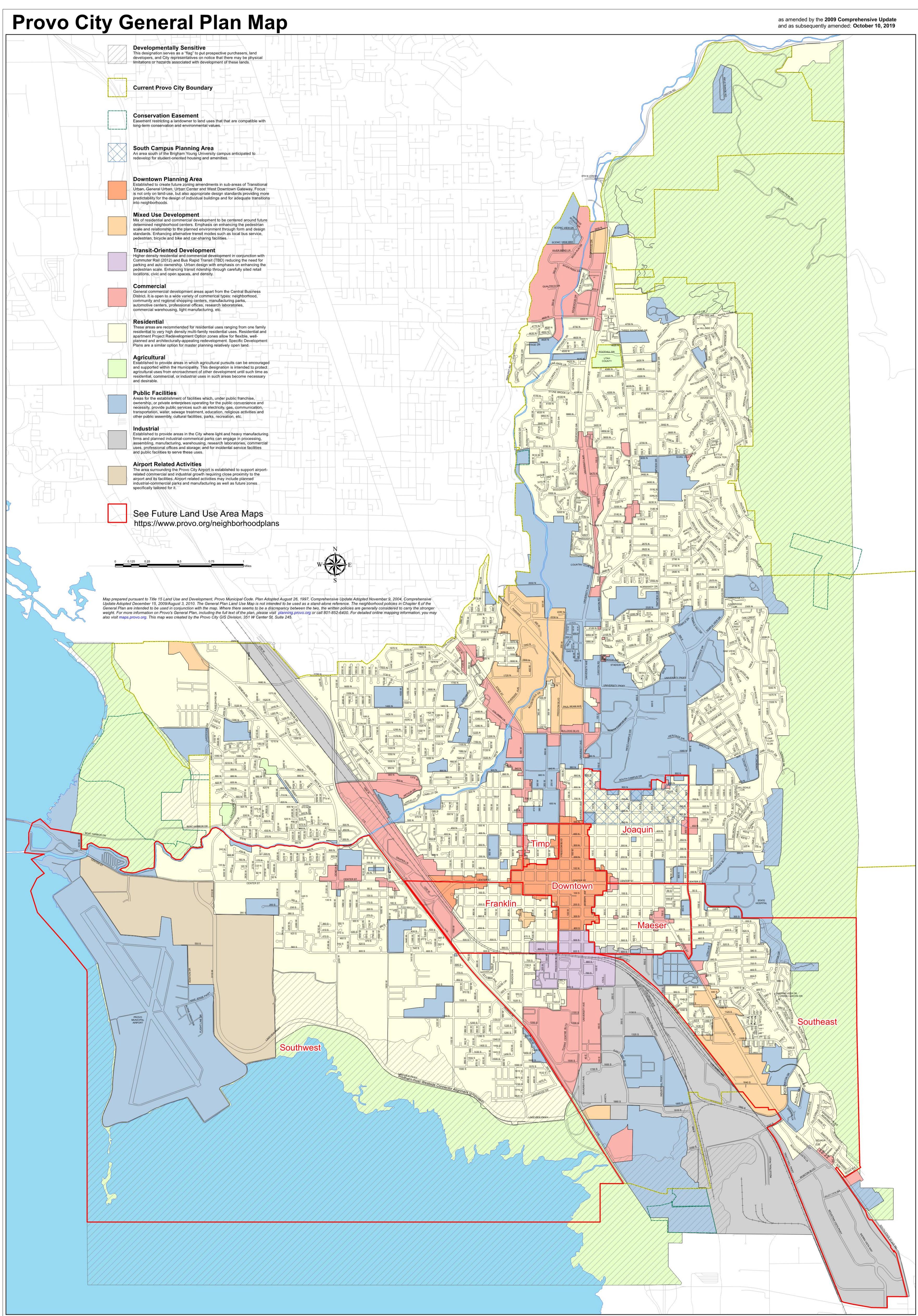
**REQUESTED DURATION OF PRESENTATION:** 20 minutes

**COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:**

**CITYVIEW OR ISSUE FILE NUMBER:** 20-068

Community and  
Neighborhood Services  
**General Plan  
Staff Suggestions**

- Propose a substantive update to the General Plan to refine what the specific goals and policies of Provo.
- Use a phased approach to create a General Plan that is substantially less dense, but substantially more informative and guiding.
  - Phase 1 – Re-evaluate and establish (re-establish) guiding principles, goals, and/or policies for Provo.
  - Phase 2 – methodology for implementing elements of the plan established in Phase 1.



Planning Commission  
**General Plan  
Suggestions**

- A substantive update to the General Plan is needed.
- Content and information in the General Plan update must be supported by good data.
- Establishing good guiding principles in the General Plan at a high level is very important.
- Updated General Plan should be easy for anyone to understand.
- Some PC members support hiring an outside consultant to provide fresh perspective. The Long-range Planning Division would administer the contract with the consultant.
- Establish a stakeholder group to provide additional context.



## General Plan Suggestions

- Staff and the Planning Commission members feel the existing code and bylaws relating to the Planning Commission should be amended to focus more on “planning” projects, rather than “administrative” items.

# PROVO MUNICIPAL COUNCIL

## STAFF REPORT



**Submitter:** JOHNB  
**Department:** Administrative Services  
**Requested Meeting Date:** 01-01-2018

**SUBJECT:** A resolution appropriating \$4,900,526 in the Airport Fund for the acquisition of land near the airport, applying to fiscal year ending June 30, 2020. (20-067)

**RECOMMENDATION:** Approve the resolution as written.

**BACKGROUND:** The Administration is recommending the purchase of 29.64 acres of property adjacent to the airport. The property is located immediately east of Duncan Aviation and shares the property line with the Airport on the east, west, and south.

The purchase price for the property is \$165,000 per acre (appraised value) with a total purchase price (including closing costs) of \$4,900,526 to be appropriated in the Airport Fund. The funding will come from a transfer from the General Fund.

The current owner of the property has a number of agricultural leases on the property and suspects that there are people living on the property. There have been reports of illegal activities occurring on the property including actions that violate the standards of the Federal Aviation Administration (FAA).

The proposed purchase of the property will qualify to be used as a match for future FAA airport projects. The land currently owned by the City that is available to be used as a match for future projects is \$400,000, and it is expected it would be used very quickly with the terminal and other airport expansion projects on the horizon. If the proposed property purchase is not approved, the City would need to provide a cash match for future FAA airport projects once the \$400,000 is used.

**FISCAL IMPACT:** The funding will come from an interfund loan from the Energy Fund

**PRESENTER'S NAME:** John Borget, Director of Administrative Services

**REQUESTED DURATION OF PRESENTATION:** 30 minutes

**COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:**

**CITYVIEW OR ISSUE FILE NUMBER:** 20-067



Department of Administrative Services  
MEMORANDUM

**To:** Municipal Council  
**From:** John Borget  
**Subject:** Airport Property Purchase  
**Date:** March 12, 2020  
**CC:** Mayor Kaufusi, Wayne Parker

The Administration is recommending the purchase of 29.64 acres of property adjacent to the airport. The property located immediately east of Duncan Aviation and shares the property line with the Airport on the east, west and south.

The purchase price for the property is \$165,000 per acre (appraised value) with a total purchase price including closing costs \$4,900,526 to be appropriated in the Airport. The funding will come from an interfund loan from the Energy Fund. The term of the loan will be ten years with a level principal payment (\$490,053) and a variable interest rate equal to the monthly State Pool interest rate. The loan will be repaid through Airport revenues and a transfer from the General Fund.

The current owner of the proposed property has a number of agricultural leases on the property with suspicion that there are people living on the property. There have been reports of illegal activities occurring on the property including actions that violate FAA standards.

The purchase of the proposed property will qualify to be used as a match for future FAA airport projects. The current land owned by the City that is available to be used as a match for future projects is \$400,000 and it is expected it would be used very quickly with the terminal and other airport expansion projects on the horizon. If the proposed property purchase is not approved, the City would need to provide a cash match for future FAA airport projects once the \$400,000 is used.

## RESOLUTION 2020-.

A RESOLUTION APPROPRIATING \$4,900,526 IN THE AIRPORT FUND FOR THE ACQUISITION OF LAND NEAR THE AIRPORT, APPLYING TO FISCAL YEAR ENDING JUNE 30, 2020. ( 2020 - XXX)

WHEREAS, the Municipal Council of Provo City Corporation has received a recommendation from the Provo City Public Works Department that \$4,900,526 be appropriated in the Airport Fund for the acquisition of land near the airport; and

WHEREAS, the appropriation will be funded through a \$4,900,526 interfund loan from the Energy Fund to the Airport Fund, the term of the loan will be ten years with a level principal payment (\$490,053) and a variable interest rate equal to the monthly State Pool interest rate. The loan will be repaid through Airport revenues and a transfer from the General Fund; and,

WHEREAS, on March 31, 2020 the Municipal Council met to ascertain the facts regarding this matter and receive public comment, which facts and comments are found in the public record of the Council's consideration; and

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

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

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

## PART I:

The Mayor is hereby authorized to appropriate \$4,900,526 in the Airport Fund applying to the fiscal year ending June 30, 2020.

## PART II.

This resolution shall take effect immediately.

## END OF RESOLUTION.

# DURRANT PROPERTY

- 29.64 Acres
- Shares property line with the Airport on the east, west, and south
- Located immediately to the east of Duncan Aviation



## **DURRANT PROPERTY – purchase agreement**

- Purchase Price: \$4,890,600 (\$165,000/acre)
- Earnest Money Payment of \$25,000 (February 20, 2020)
- Closing on Property on or before June 1, 2020
- Seller responsible for the termination of all agricultural leases and vacation of property by June 15, 2020
- Seller responsible for removing all environmentally sensitive items (tires, batteries, trailers, fuel, chemicals, and scrap metal)
- Buyer will remove all remaining structures

# Chronic issues with DURRANT PROPERTY

- Suspicion of People Living in Agricultural Buildings
- Night Traffic
- Animal Carcasses disposed of on Airport Property
- Suspicion of Dog Fighting
- Discharge of Firearms Causing Damage to Duncan Aviation Building
- Rodeos/Parties with piles of trash being left on the property (bottles , cans, etc.)
- 45 Lease Agreements (\$5,500/month)



## Current Condition of the DURRANT PROPERTY



# Current Condition of the DURANT PROPERTY



# Current Condition; DURANT PROPERTY

Federal Airport  
Violations



## Current Condition of the DURANT PROPERTY

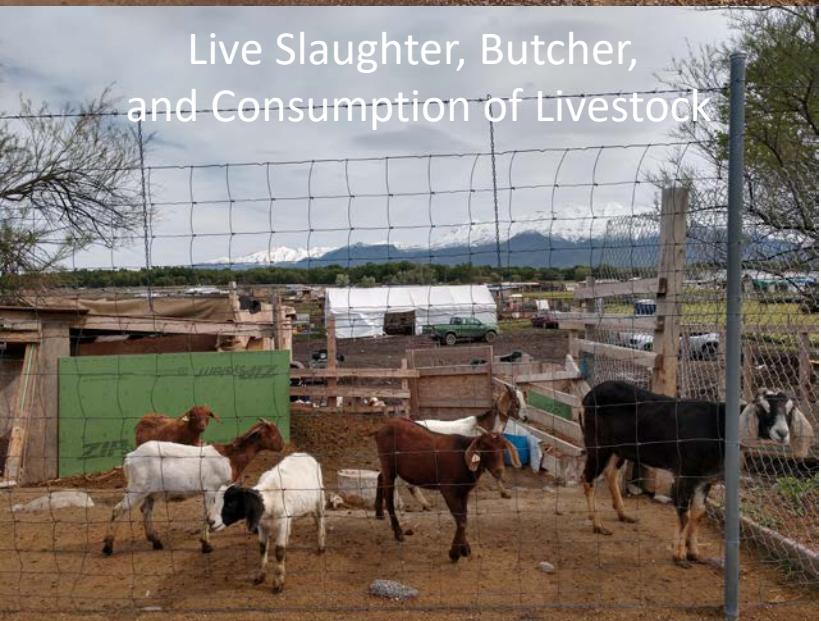


# Current Condition of the DURANT PROPERTY *Unacceptable Use*

Open Air Food Prep and Sale



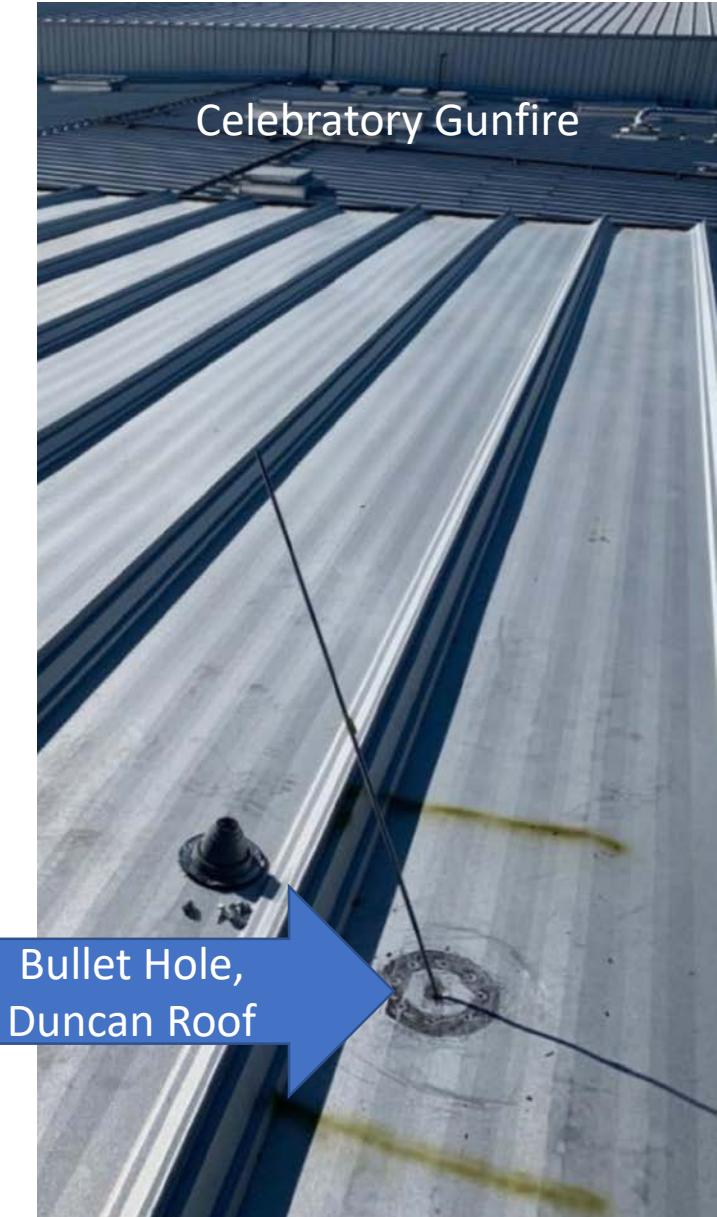
Live Slaughter, Butcher,  
and Consumption of Livestock



Unapproved and Unsupervised  
Bon Fires left burning after Parties



Celebratory Gunfire



Bullet Hole,  
Duncan Roof

# FAA Grant Policies

## The Majority of Airport Funding comes from Airport Improvement Program (AIP) Grants

### Entitlement Grants

*\$250,000 per year with 0-9,999 Enplanements per Year*

*\$1,000,000 Per year with 10,000 + Enplanements per Year*

### Discretionary Grants

*No Limit on the amount.*

*Entitlement money must be used on the same project.*

*Projects are Prioritized “From the Runway Out.”*

*Received in competition with the entire region.*

## All AIP Grants Require a Sponsor (the entity administering the airport) Match of Approx. 10%

Match Percentage can change based on Project type

Provo Airport has averaged Over \$4million in grants per Year over the last 20 years

*That would be \$400,000 annually in grant match*

*Why haven't we paid it?*

## The FAA Allows Property Acquisition to be Used as Match

*Property must be used at purchase price value.*

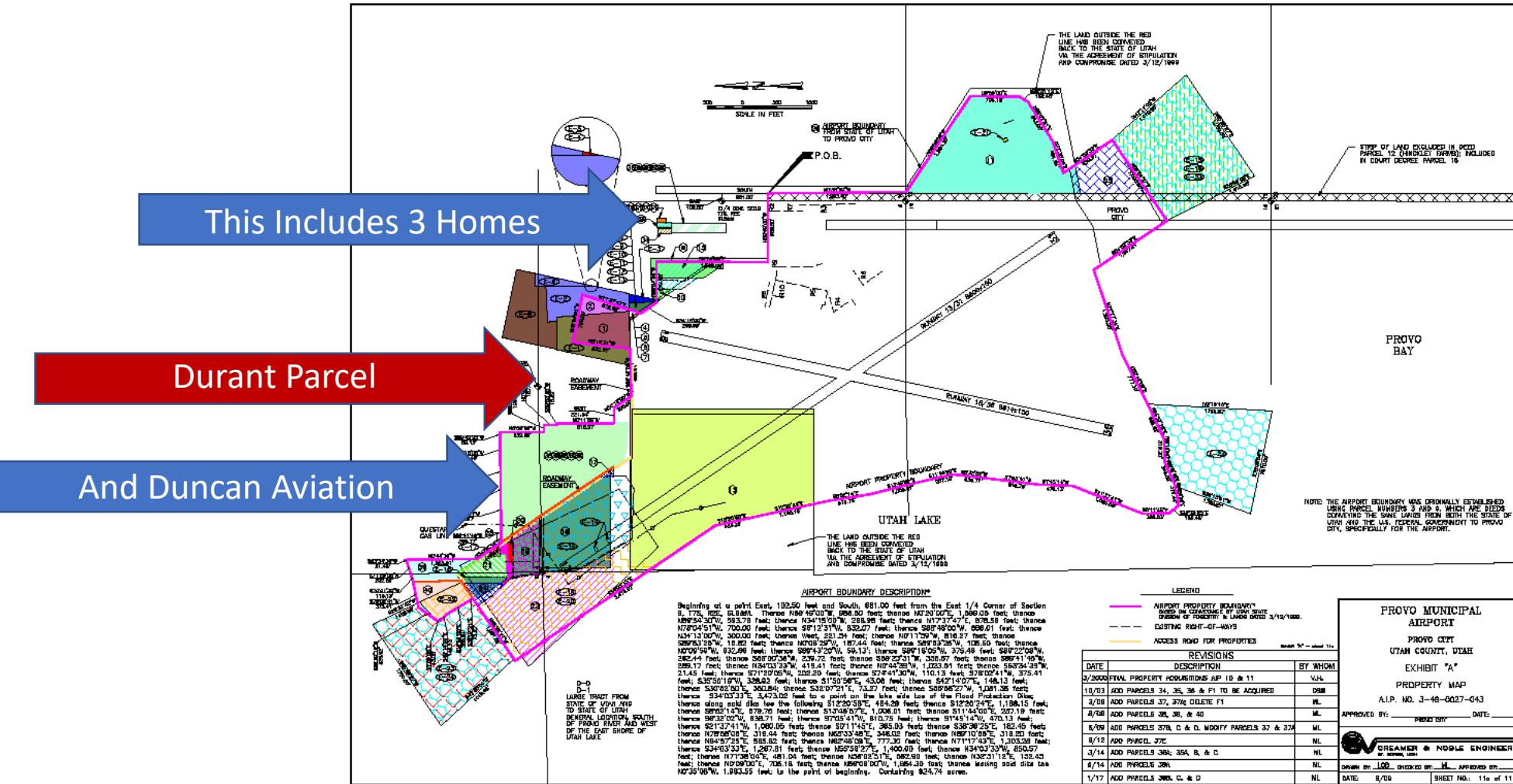
*Once drawn into the airport it must be used for Airport approved uses.*

*Any revenue generated must remain at the Airport.*

TITLE DOCUMENTS											
PROVO AIRPORT PARCELS (SHEET 11c)											
COLOR	PARCEL NO.	GRANTOR	GRANTEE	DATE RECORDED	ENTRY NO.	BOOK	PAGE	DOCUMENT	FEDERAL PROJECT	ACREAGE	COMMENTS
PROVO AIRPORT PARCELS (SHEET 11c)											
0-0	STATE OF UTAH	PROVO CITY	4/30/1941	7270	320	188	LEASE	UNKNOWN	LARGE PARCEL, LEADS SOUTH OF PROVO CITY, WEST OF END SHORE OF UTH LAKE. (AVAILABLE TO FLOT FROM DESCRIPTION) SEEDED BACK TO STATE OF UTAH BY GRANT CLAIM DEED PARCEL NO. 1-1. THREE DEEDS A PART OF STATE OF UTAH GRANTED TO OTHERS (NOT SHOWN ON PROPERTY MAP)		
①	DURVANT	PROVO CITY	8/16/1974	17168	1388	422	SPECIAL WARRANTY DEED		8.33		
②	OLSEN	PROVO CITY	11/24/1974	19817	1262	449	WARRANTY DEED		2.97		
④	DURVANT	PROVO CITY	12/14/1979	46844	1790	203	WARRANTY DEED		0.35		
⑤	MITCHELL/FRANCIS	PROVO CITY	12/14/1979	46913	1790	704	WARRANTY DEED		0.33		
⑥	MATTHEWS/CHERSTENSON	PROVO CITY	12/14/1979	46948	1790	706	WARRANTY DEED		0.33		
⑦	DURVANT	PROVO CITY	12/14/1979	46947	1790	708	WARRANTY DEED		0.33		
⑧	MITCHELL/FRANCIS	PROVO CITY	12/14/1979	46942	1790	709	WARRANTY DEED		0.33		
⑨	UTAH COUNTY	PROVO CITY	1/26/1980	42996	1881	444	GRANT CLAIM DEED		6.10		
⑩	SCHMIDT	PROVO CITY	8/15/1984	18603	2140	422	WARRANTY DEED		0.74		
⑪	HINCKLEY FARMS	PROVO CITY	3/21/1992	2171	364	267	SPECIAL WARRANTY DEED		70.4		
⑫	C.L. LOGUE CORP.	PROVO CITY	3/21/1992	2173	364	310	SPECIAL WARRANTY DEED		14.02		
⑬	WENGERHALL	PROVO CITY	4/9/1997	5798	1683	695	WARRANTY DEED				
⑭	WALTER CO.	PROVO CITY	5/21/1998	8546	4762	228	DOUPT ORDER	UNKNOWN	ACREAGE IS NOT SHOWN ON DEED		
⑮	DALE L. JENSEN	PROVO CITY	12/23/1998	11310	620	100	DOUPT ORDER	3-49-0027-10	30.54		
⑯	DONNA J. JENSEN	PROVO CITY	12/21/1998	11310	620	100	DOUPT ORDER	3-49-0027-10	30.54		
⑰	BOB HALLIGAY	PROVO CITY	1/21/1999	56481	4763	226	DOUPT ORDER	3-49-0027-10	0.82		
⑱	DAWNE POPE	PROVO CITY	8/21/1999	58480	4763	228	DOUPT ORDER	3-49-0027-10	3.77		
⑲	KBO/SPARKS	PROVO CITY	8/21/1999	58483	4763	231	DOUPT ORDER	3-49-0027-10	0.87		
⑳	UTAH STATE FOREST & FORESTRY	PROVO CITY	3/12/00	30077	5009	744	DOUPT ORDER	3-49-0027-10	29.47		
㉑	DONNA J. JENSEN	PROVO CITY	4/12/00	20218	3000	14A	DOUPT ORDER	3-49-0027-10	2.95		
㉒	DALE HINCKLEY	PROVO CITY	4/12/00	85482	4763	221	DOUPT ORDER	3-49-0027-11	11.63		
㉓	STATE OF UTAH	PROVO CITY	4/12/00	30077	5009	744	AGREEMENT OF STIPULATION & COMPROMISE	4081-112	PROVO AIRPORT		
㉔	EDD E. & KELLI K. PEAT	PROVO CITY	3/12/03	36412	—	—	WARRANTY DEED	—		ACQUIRED BY PROVO CITY APR. 12, 2003 (Originally 0.34 acre)	
㉕	EDD E. & KELLI K. PEAT	PROVO CITY	3/12/03	36412	—	—	WARRANTY DEED	—		ACQUIRED BY PROVO CITY APR. 12, 2003 (Originally 0.37 acre)	
㉖	EDD E. & KELLI K. PEAT	PROVO CITY	3/12/03	36412	—	—	WARRANTY DEED	3-49-0027-38	0.2719	ACQUIRED BY PROVO CITY APR. 12, 2003	
㉗	EDD E. & KELLI K. PEAT	PROVO CITY	3/12/03	36412	—	—	WARRANTY DEED	3-49-0027-37	1.0141	ACQUIRED BY PROVO CITY APR. 12, 2003	
㉘	EDD E. & KELLI K. PEAT	PROVO CITY	3/12/03	36412	—	—	WARRANTY DEED	3-49-0027-38	0.2802	ACQUIRED BY PROVO CITY APR. 12, 2003	
㉙	EDD E. & KELLI K. PEAT	PROVO CITY	3/12/03	36412	—	—	WARRANTY DEED	3-49-0027-41	0.0116	ACQUIRED BY PROVO CITY APR. 12, 2003 (Originally 0.34 acre)	
㉚	MONAL P. & VANCE L. JENSEN	PROVO CITY	8/12/03	85050-2003	—	—	WARRANTY DEED	61312		ACQUIRED BY PROVO CITY JUN. 15, 2003	
㉛	MONAL P. & VANCE L. JENSEN	PROVO CITY	8/12/03	85050-2003	—	—	WARRANTY DEED	3-49-0027-36	0.3186	ACQUIRED BY PROVO CITY JUN. 15, 2003	
㉜	ARM & H. HESKE & DOUGLAS	PROVO CITY	11/12/03	180050-2003	—	—	WARRANTY DEED	—		ACQUIRED BY PROVO CITY JUN. 13, 2003 (Originally 0.203 acre)	
㉝	ARM & H. HESKE & DOUGLAS	PROVO CITY	11/12/03	180050-2003	—	—	WARRANTY DEED	—		ACQUIRED BY PROVO CITY JUN. 13, 2003	
㉞	ARM & H. HESKE & DOUGLAS	PROVO CITY	11/12/03	180050-2003	—	—	WARRANTY DEED	3-49-0027-29	0.0076	ACQUIRED BY PROVO CITY JUN. 13, 2003	
㉟	ARM & H. HESKE & DOUGLAS	PROVO CITY	11/12/03	180050-2003	—	—	WARRANTY DEED	3-49-0027-30	0.0229	ACQUIRED BY PROVO CITY JUN. 13, 2003	
㉟	ARM & H. HESKE & DOUGLAS	PROVO CITY	11/12/03	180050-2003	—	—	WARRANTY DEED	3-49-0027-31	0.0211	ACQUIRED BY PROVO CITY JUN. 13, 2003	
㉟	ARM & H. HESKE & DOUGLAS	PROVO CITY	11/12/03	180050-2003	—	—	WARRANTY DEED	3-49-0027-35	0.0001	ACQUIRED BY PROVO CITY JUN. 13, 2003	
㉟	ARM & H. HESKE & DOUGLAS	PROVO CITY	11/12/03	180050-2003	—	—	WARRANTY DEED	3-49-0027-36	0.0001	ACQUIRED BY PROVO CITY JUN. 13, 2003	
㉟	ARM & H. HESKE & DOUGLAS	PROVO CITY	11/12/03	180050-2003	—	—	WARRANTY DEED	3-49-0027-37	0.0001	ACQUIRED BY PROVO CITY JUN. 13, 2003	
㉟	ARM & H. HESKE & DOUGLAS	PROVO CITY	11/12/03	180050-2003	—	—	WARRANTY DEED	3-49-0027-38	0.0001	ACQUIRED BY PROVO CITY JUN. 13, 2003	
㉟	POPE, RICHARD, et al.	PROVO CITY	4/23/04	48184-2004	—	—	WARRANTY DEED	—		HUNDREDS PARCELS WERE COMBINED INTO ONE PARCEL BY PROVO CITY APR. 16, 2008 (Originally 41.881 acre)	
㉟	POPE, RICHARD, et al.	PROVO CITY	4/23/04	48184-2004	—	—	WARRANTY DEED	3-49-0027-39	21.036	HUNDREDS PARCELS WERE COMBINED INTO ONE PARCEL BY PROVO CITY APR. 16, 2008	
㉟	POPE, RICHARD, et al.	PROVO CITY	4/23/04	48184-2004	—	—	WARRANTY DEED	3-49-0027-40	1.062	HUNDREDS PARCELS WERE COMBINED INTO ONE PARCEL BY PROVO CITY APR. 16, 2008	
㉟	POPE, RICHARD, et al.	PROVO CITY	4/23/04	48184-2004	—	—	WARRANTY DEED	3-49-0027-41	2.143	HUNDREDS PARCELS WERE COMBINED INTO ONE PARCEL BY PROVO CITY APR. 16, 2008	
㉟	POPE, RICHARD, et al.	PROVO CITY	4/23/04	48184-2004	—	—	WARRANTY DEED	3-49-0027-42	1.062	HUNDREDS PARCELS WERE COMBINED INTO ONE PARCEL BY PROVO CITY APR. 16, 2008	
㉟	POPE, RICHARD, et al.	PROVO CITY	4/23/04	48184-2004	—	—	WARRANTY DEED	3-49-0027-43	18.889	HUNDREDS PARCELS WERE COMBINED INTO ONE PARCEL BY PROVO CITY APR. 16, 2008	
㉟	POPE, RICHARD, et al.	PROVO CITY	4/23/04	48184-2004	—	—	WARRANTY DEED	3-49-0027-44	0.569	HUNDREDS PARCELS WERE COMBINED INTO ONE PARCEL BY PROVO CITY APR. 16, 2008	
㉟	EDDIE J. KJELSEN	PROVO CITY	10/17/02	149773-2007	—	—	WARRANTY DEED	—	7.343		
PROVO AIRPORT PARCELS (SHEET 11c)											
PROVO AIRPORT PARCELS (SHEET 11c)											
㉓	STATE OF UTAH	PROVO CITY	5/14/1974	31777	1740	136	GRANT CLAIM DEED	EDD		MAY HAVE BEEN FILED TO ELIMINATE TITLE PROBLEMS,或许是其他 PARCELS (SHEET 11c)	
㉔	UNITED STATES OF AMERICA	PROVO CITY	4/21/1981	11285	1908	264	GRANT CLAIM DEED	855		SEE DESCRIPTION OF PARCEL 35 FROM STATE OF UTAH MAY HAVE BEEN FILED TO ELIMINATE TITLE PROBLEMS,或许是其他 PARCELS (SHEET 11c)	
㉕	HINCKLEY FARMS	PROVO CITY	3/21/1992	2172	364	266	GRANT CLAIM DEED	1400t		PROV. WITHIN SOUTHERN PORTION OF PRESENT AIRPORT MUNICIPAL. EXTENDS SOUTH OF AIRPORT INTO PROVO CITY	
㉖	AMERICAN/PEARY	PROVO CITY	3/23/1991	4729	376	363	ORDER AND DECREES	374t		DESCRIPTION CORRECTION PARCEL #18 CIVL #12117	
㉗	DISTRICT COURT (ANDRONIC REDEEMER)	PROVO CITY	1/16/1982	504	800	118	COURT DECREE CIVL #12117	1200t		REHEARD AS SHOW IN FOURTH JUDG. DISTRICT COURT CIVL #12117 DATED 18 JUN. 1982 RECORDED AS ENTRY 5444 BOOK 500 PAGE 111 (SHEET 11c)	
REVISIONS											
REVISIONS											
DATE	DESCRIPTION	BY WHOM	DATE	DESCRIPTION	BY WHOM						
3/14	ADD PARCELS 38A, 38B, B, & C	WL	3/20/2000	FINAL PROPERTY ACQUISITION APR 16 2000	V.H.						
6/14	ADD PARCEL 38A	WL	10/03	ADD PARCELS 34, 35, 36 & F1 TO BE ACQUIRED	DSW						
10/10	ADD PARCELS 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 750, 751, 752, 753										

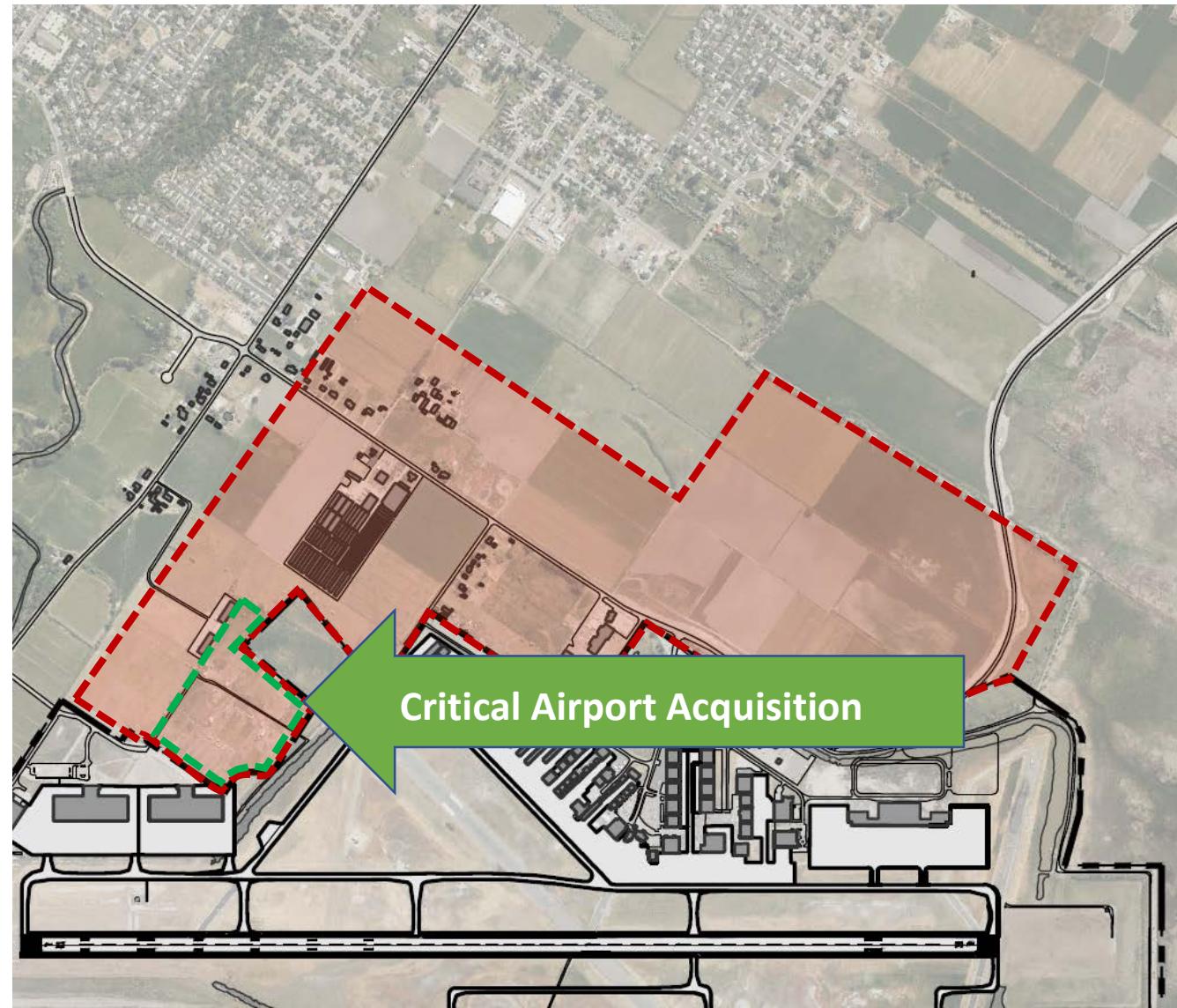
# Airport “EXHIBIT A”

All property currently conveyed to the Airport  
\$400,000 worth of property left to use as match



# Conclusion & Recommendation

- » Airport Protection Area
- » When Runway 18-36 is removed, preserve the “triangle” of empty land
- » Allow small GA hangars to infill, but limit high dollar investments within these areas
- » Next master plan to re-evaluate and reroute as needed
- » Purchase available land immediately!



# **This Property is Important for Provo City, Beyond Grant Match**

## **Property Provides the Most Logical Area for Airport Expansion**

- Adjacent to Taxiway Bravo
- Near Runway Ends but Outside of the Object Free Zone
- Utilities Nearby

## **Possible Duncan Aviation Expansion**

- New Facility is almost at Capacity and isn't Even Finished
- They Foresee Outgrowing their Current Lease Hold

## **Land for Recruitment and Economic Development**

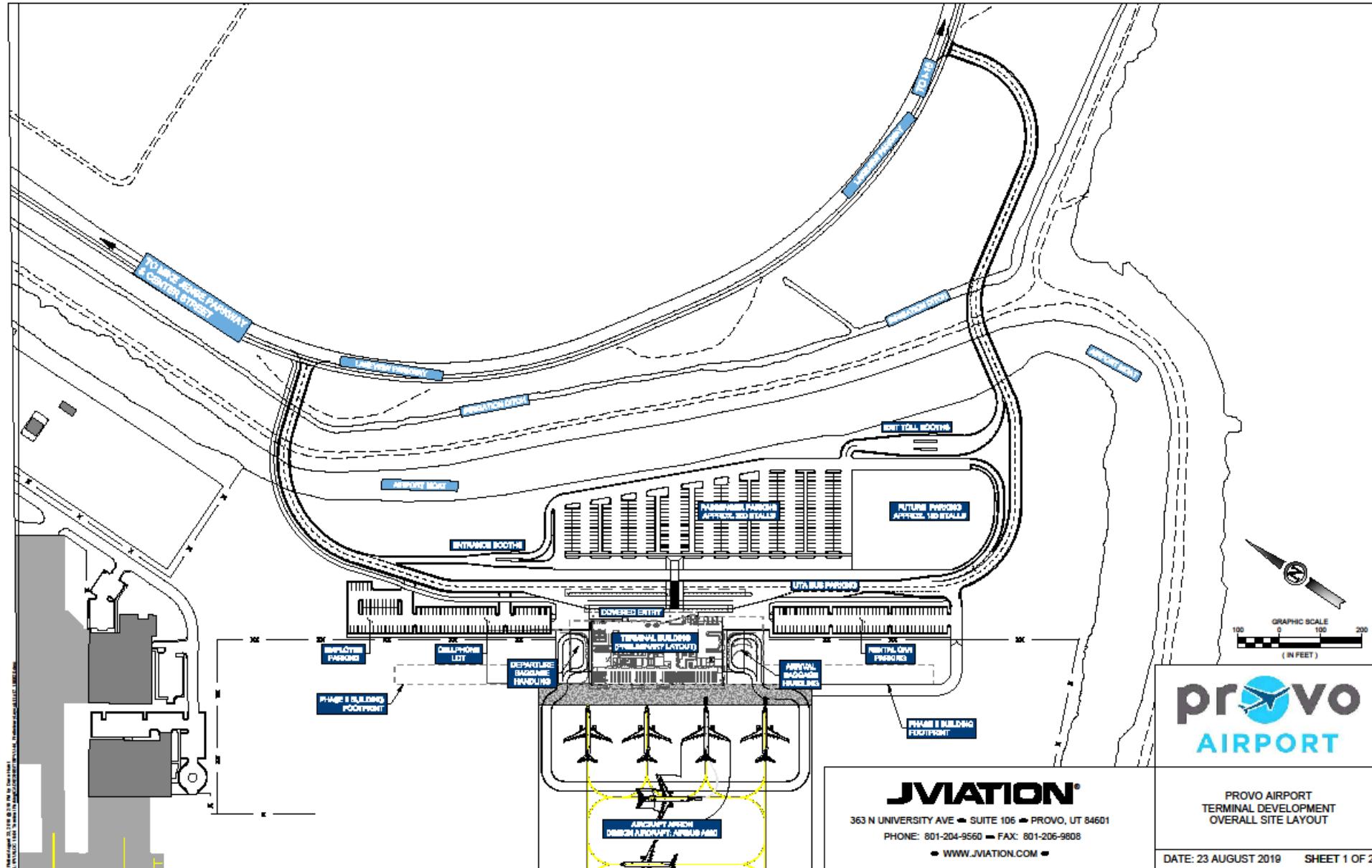
- Possible Cargo Airline Terminal
- Another Duncan Style Aviation Company

## **Additional Corporate Campus**

- Corporate Hangars are in Greater Demand at Provo
- The Airport has no Corporate Hangar Areas Left
- Previous Corporate Taxilane Sold Out in Less than 2 Months

# Some Large Dollar AIP Grant Projects Underway

And we will not have enough property to use as match



**In Addition:**

*we have Requested an Additional \$7 Million in AIP Funding for the Terminal*



**The FAA has decided not to Allow Property as Match  
on the Current \$12 Million Terminal Ramp Project Only (\$1.2M Match).**



# Terminal Project Cost Breakdown

Prepared by Jviation (Airport Engineer)

Provo Municipal Airport Provo, Utah				
PROVO AIRPORT TERMINAL AREA DEVELOPMENT PROJECT PROJECT COST SUMMARY				
PROJECT COSTS				
	Total	FAA	City	
<b>DESIGN/CONST. ADMIN. COSTS</b>				
Commercial Apron (100% FAA)	\$ 1,362,499.18	\$ 1,362,499.18	\$ -	
Aircraft Deice Pad (Estimated)	\$ 120,000.00	\$ 120,000.00	\$ -	
Terminal Building (60% FAA/40% City)	\$ 1,500,342.65	\$ 900,205.59	\$ 600,137.06	
Terminal Parking Lot (100% City)	\$ 464,678.40	\$ -	\$ 464,678.40	
<b>SUB TOTAL</b>	<b>\$ 3,447,520.23</b>	<b>\$ 2,382,704.77</b>	<b>\$ 1,064,815.46</b>	
<b>CONSTRUCTION COSTS</b>		Total	FAA	City
Terminal Apron (To Date - As Bid)	\$ 3,859,600.00	\$ 3,859,600.00	\$ -	
Terminal Apron (Future - Estimated)	\$ 7,500,000.00	\$ 7,500,000.00	\$ -	
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Terminal Building (Future - Estimated)	\$ 22,778,128.00	\$ -	\$ 22,778,128.00	
Terminal Parking Lot (To Date - As Bid)	\$ 3,777,450.00	\$ -	\$ 3,777,450.00	
Terminal Parking Lot (Future - Estimated)	\$ 8,350,000.00	\$ -	\$ 8,350,000.00	
Water and Sanitary (Horrocks)	\$ -	\$ -	\$ -	
Provo Power	\$ -	\$ -	\$ -	
<b>SUB TOTAL</b>	<b>\$ 50,444,528.00</b>	<b>\$ 13,859,600.00</b>	<b>\$ 36,584,928.00</b>	
<b>TOTAL ESTIMATED PROJECT COSTS</b>	<b>\$ 53,892,048.23</b>			
PROJECT FUNDING				
<b>FAA GRANT FUNDING</b>		Total	FAA (90.63%)	Local (9.37%)
AIP 044 - Entitlement (Granted) - Land Transfer	\$ 2,293,003.00	\$ 2,293,003.00	\$ -	
AIP 045 - Entitlement (2020 Grant) - Cash Match	\$ 2,193,102.00	\$ 1,987,608.34	\$ 205,493.66	
AIP 045 - Discretionary Need (2020 Grant) - Cash Match	\$ 10,859,794.41	\$ 9,842,231.67	\$ 1,017,562.74	
AIP 046 - Discretionary Request (2020/2021 Grant) - Land Transfer	\$ 7,000,000.00	\$ 7,000,000.00	\$ -	
<b>SUB TOTAL</b>	<b>\$ 22,345,899.41</b>	<b>\$ 21,122,843.02</b>	<b>\$ 1,223,056.39</b>	
<b>LOCAL FUNDING</b>		Total		
County	\$ 4,300,000.00			
State	\$ 9,000,000.00			
MAG	\$ 15,000,000.00			
City (Balance to meet Total Project Costs)	\$ 3,246,148.82			
Additional Donors?	\$ -			
<b>SUB TOTAL</b>	<b>\$ 31,546,148.82</b>			
<b>TOTAL FUNDING REQUIRED</b>	<b>\$ 53,892,048.23</b>			

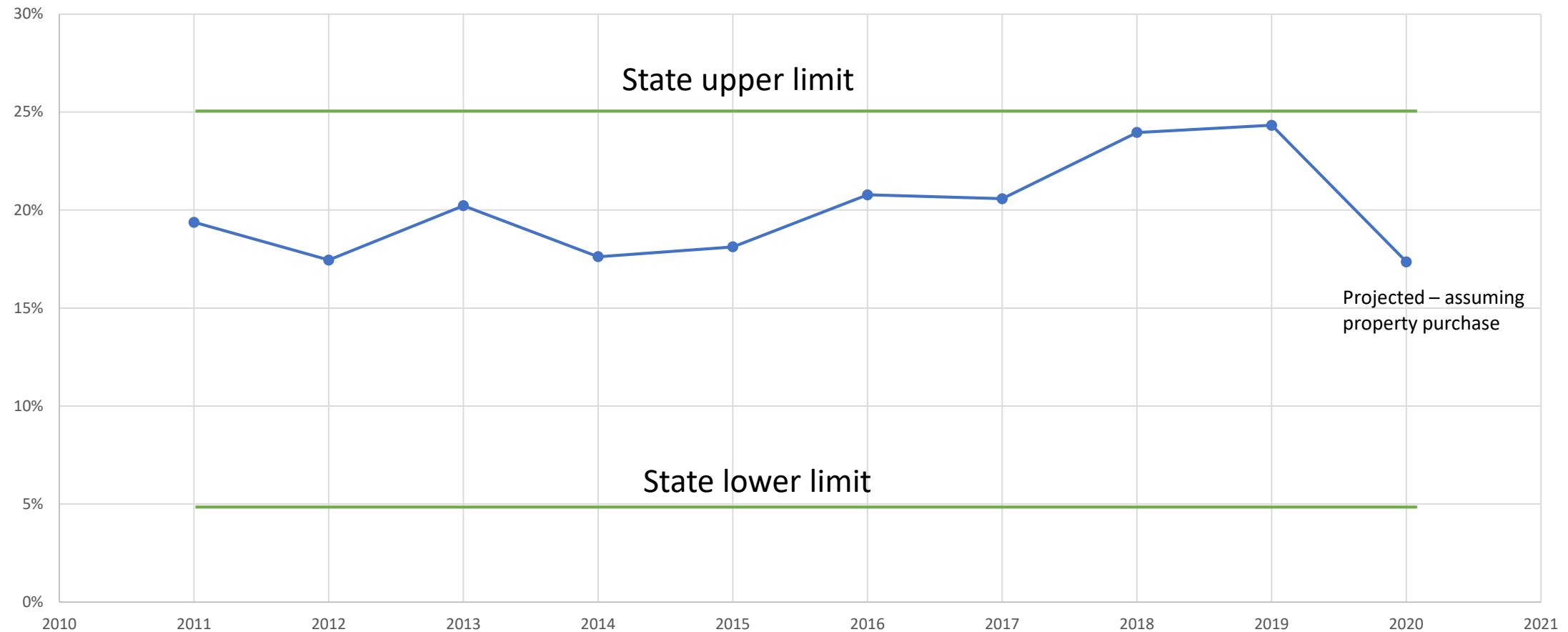
## Purpose of Fund Balance

- **Build a saving account to provide a buffer**
- **Prepare for a rainy day**
  - Recessions
  - Unexpected drop in revenues
  - Natural disaster
  - Legal claim
- **Be in a position to pay for unexpected needs/opportunities**
  - Mid-year appropriations
  - Purchase of property

## General Fund Balance – Assuming General Fund Appopriation

	Audited 2011	Audited 2012	Audited 2013	Audited 2014	Audited 2015	Audited 2016	Audited 2017	Audited 2018	Audited 2019	Projected 2020
Revenues	40,330,795	44,020,846	46,390,629	50,323,846	48,883,712	53,002,161	55,114,223	55,801,159	57,920,850	59,170,850
Subsidy transfers	7,087,281	7,976,106	8,565,303	9,549,272	9,619,798	10,403,410	10,976,451	11,820,682	11,437,661	12,534,720
Revenues and subsidy transfers	47,418,076	51,996,952	54,955,932	59,873,118	58,503,510	63,405,571	66,090,674	67,621,841	69,358,511	71,705,570
Assigned and unassigned										
Unassigned	8,547,405	7,639,116	8,977,109	8,338,392	8,633,582	11,170,908	9,882,260	13,128,183	12,274,382	8,945,400
Assigned	640,160	1,433,306	2,135,314	2,211,242	1,968,150	2,001,787	3,716,456	3,074,233	4,596,810	3,500,000
	9,187,565	9,072,422	11,112,423	10,549,634	10,601,732	13,172,695	13,598,716	16,202,416	16,871,192	12,445,400
Fund Balance (assigned and unassigned)	19.38%	17.45%	20.22%	17.62%	18.12%	20.78%	20.58%	23.96%	24.32%	17.36%

## General Fund Balance as a % of Revenue



## **Impact of General Fund Appropriation for the Purchase of Property**

- Decrease fund balance (back to the fiscal year 2012 level)
- Could impact bond rating
- Likely take years to build back up to the current level
- Not be as prepared for a recession or unforeseen event

## Potential Sources of Funding for Purchase of Property

- **Sell other property owned by the City**
- **Outright purchase and then make a conscious effort to rebuild fund balance.**
- **Interfund loan from Energy**
  - 10 years with level principal payment \$490,053 (Utah Code allows up to 10 years)
  - Variable interest rate based on the monthly State Pool Rate
  - Paid back from the following sources:
    - General Fund transfers (likely in the early years)
    - Airport revenues

# DURRANT PROPERTY

- 29.64 Acres
- Shares property line with the Airport on the east, west, and south
- Located immediately to the east of Duncan Aviation



## DURRANT PROPERTY – purchase agreement

- Purchase Price: \$4,890,600 (\$165,000/acre)
- Earnest Money Payment of \$25,000 (February 20, 2020)
- Closing on Property on or before June 1, 2020
- Seller responsible for the termination of all agricultural leases and vacation of property by June 15, 2020
- Seller responsible for removing all environmentally sensitive items (tires, batteries, trailers, fuel, chemicals, and scrap metal)
- Buyer will remove all remaining structures

## Chronic issues with DURRANT PROPERTY

- Suspicion of People Living in Agricultural Buildings
- Night Traffic
- Animal Carcasses disposed of on Airport Property
- Suspicion of Dog Fighting
- Discharge of Firearms Causing Damage to Duncan Aviation Building
- Rodeos/Parties with piles of trash being left on the property (bottles , cans, etc.)
- 45 Lease Agreements (\$5,500/month)



## Current Condition of the DURRANT PROPERTY



## **Current Condition of the DURANT PROPERTY**



# Current Condition; DURANT PROPERTY

Federal Airport  
Violations



## Current Condition of the DURANT PROPERTY

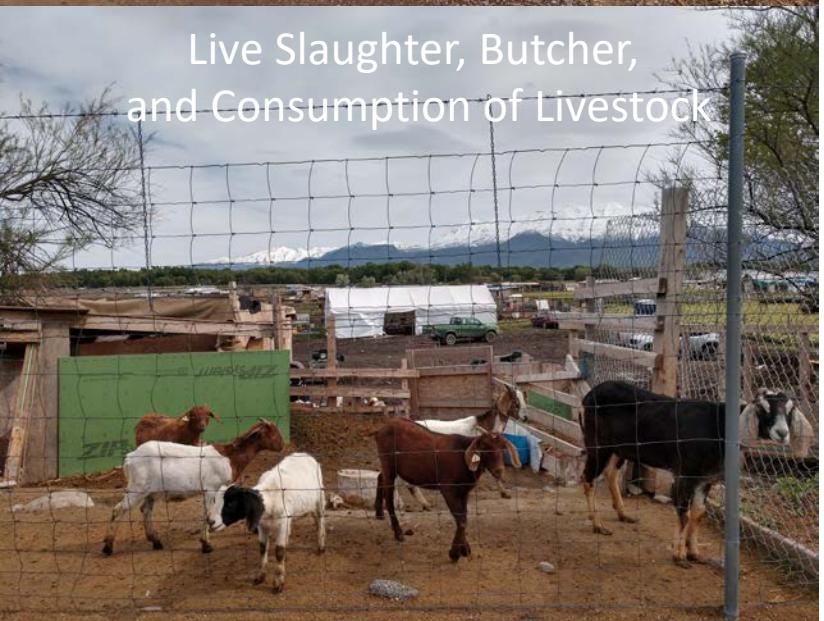


# Current Condition of the DURANT PROPERTY *Unacceptable Use*

Open Air Food Prep and Sale



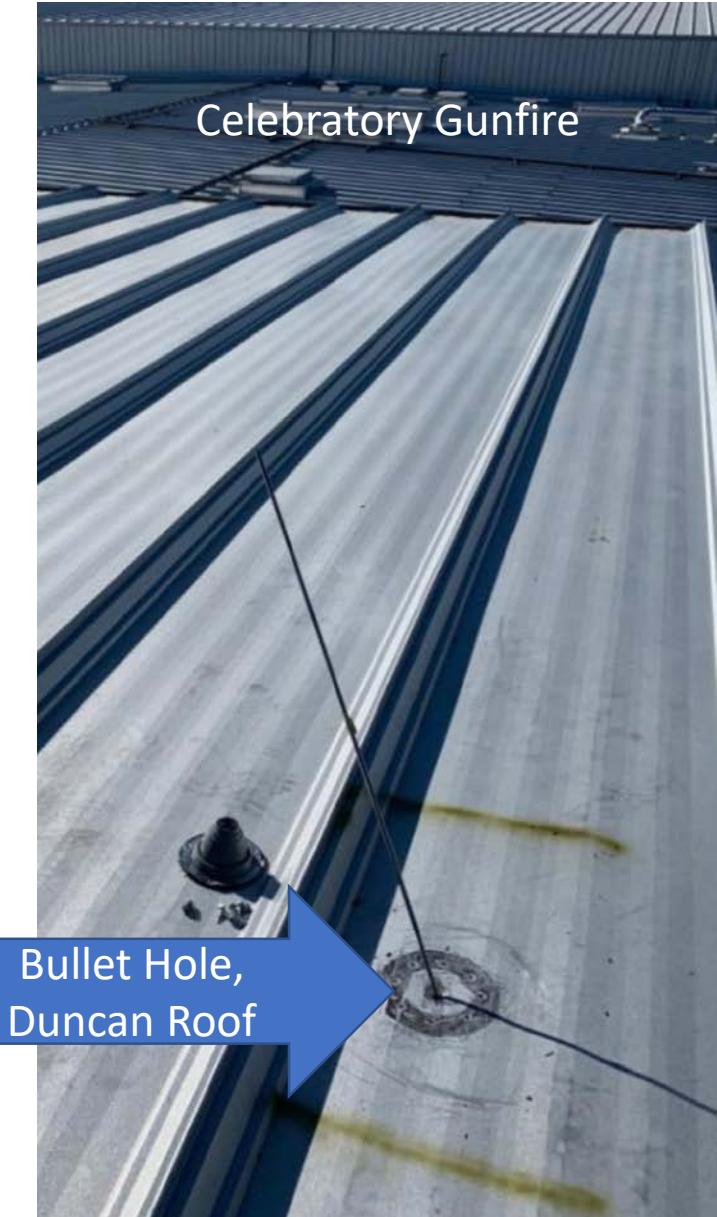
Live Slaughter, Butcher,  
and Consumption of Livestock



Unapproved and Unsupervised  
Bon Fires left burning after Parties



Celebratory Gunfire



Bullet Hole,  
Duncan Roof

# FAA Grant Policies

## The Majority of Airport Funding comes from Airport Improvement Program (AIP) Grants

### Entitlement Grants

*\$250,000 per year with 0-9,999 Enplanements per Year*

*\$1,000,000 Per year with 10,000 + Enplanements per Year*

### Discretionary Grants

*No Limit on the amount.*

*Entitlement money must be used on the same project.*

*Projects are Prioritized “From the Runway Out.”*

*Received in competition with the entire region.*

## All AIP Grants Require a Sponsor (the entity administering the airport) Match of Approx. 10%

Match Percentage can change based on Project type

Provo Airport has averaged Over \$4million in grants per Year over the last 20 years

*That would be \$400,000 annually in grant match*

*Why haven't we paid it?*

## The FAA Allows Property Acquisition to be Used as Match

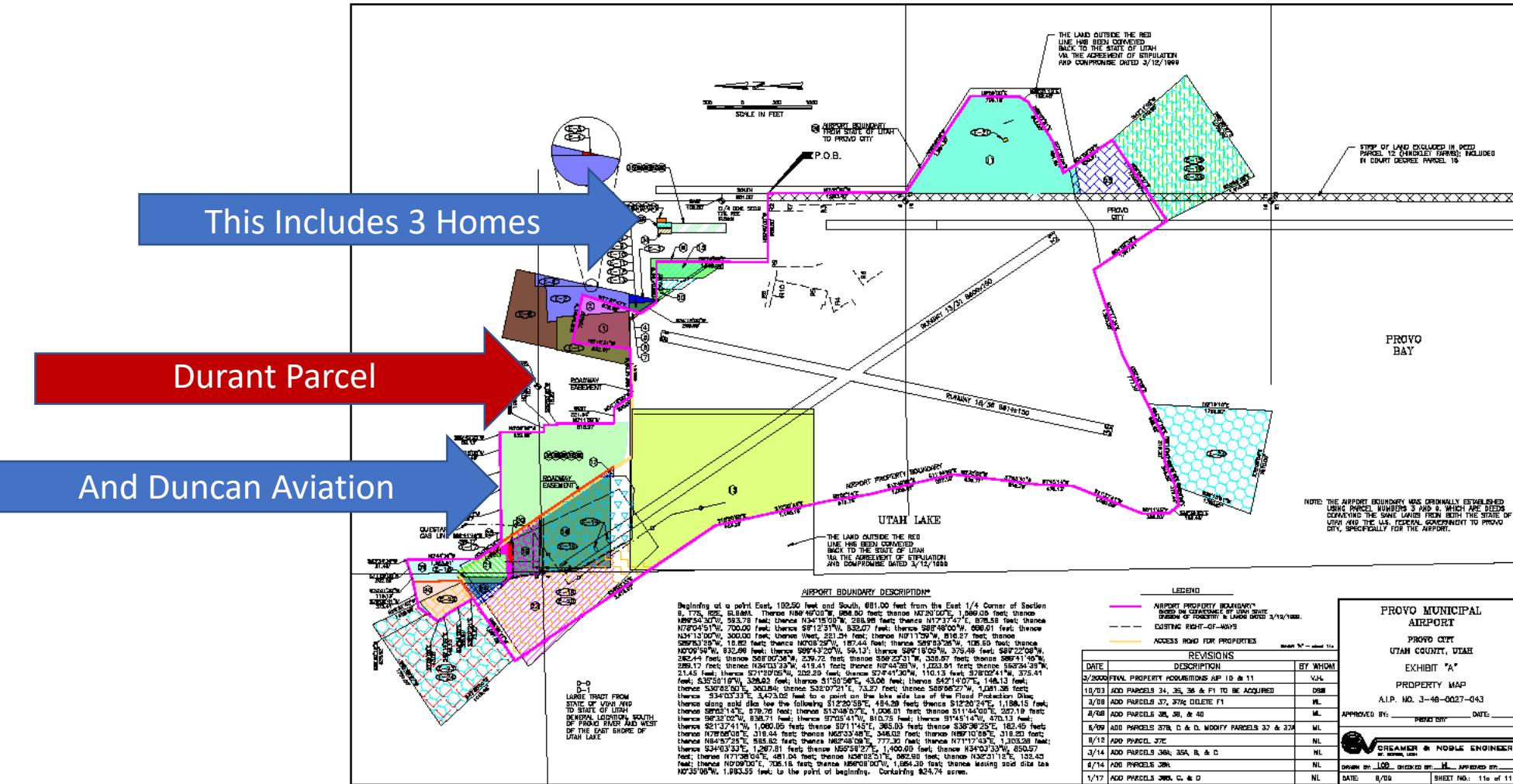
*Property must be used at purchase price value.*

*Once drawn into the airport it must be used for Airport approved uses.*

*Any revenue generated must remain at the Airport.*

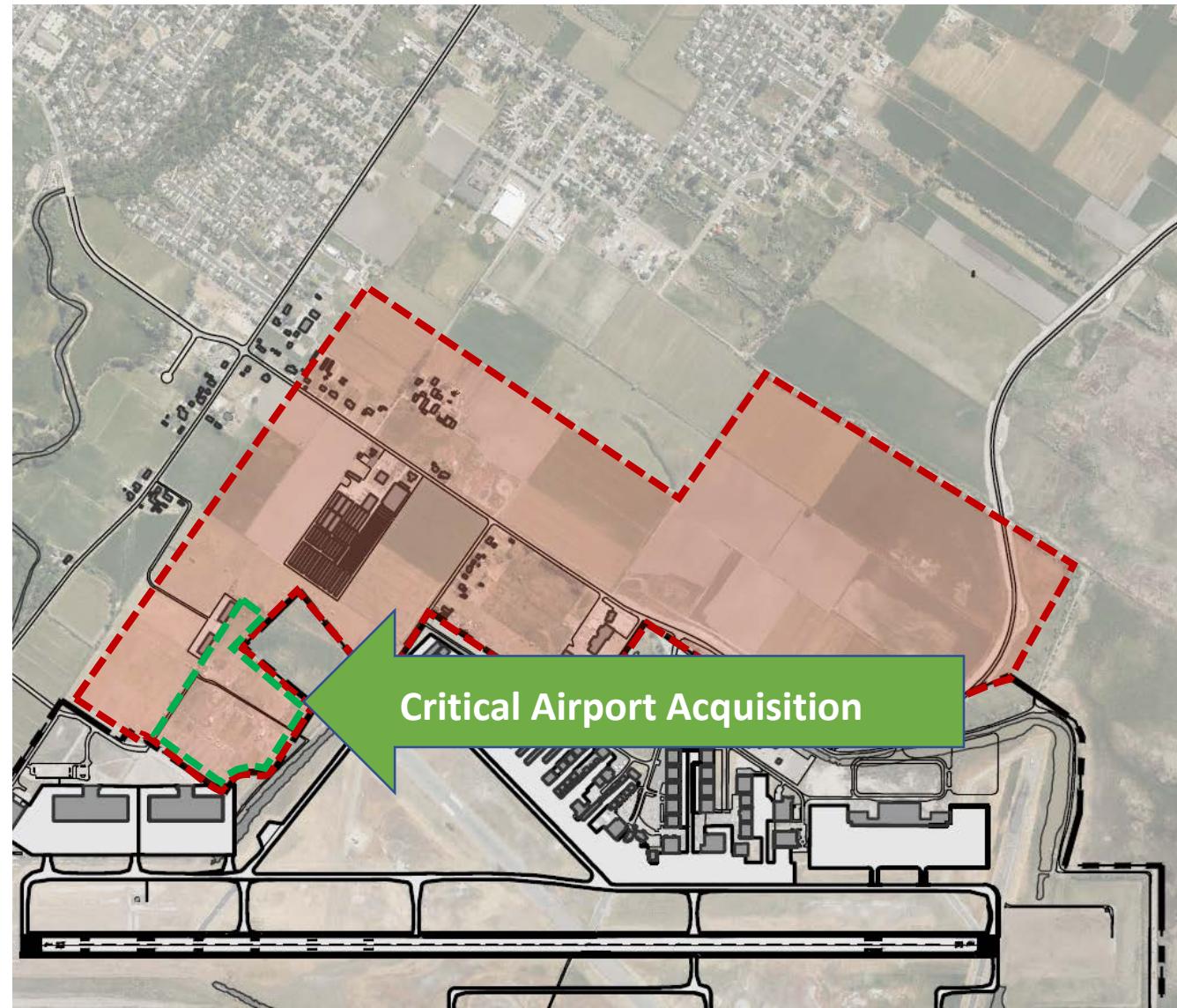
# Airport “EXHIBIT A”

All property currently conveyed to the Airport  
\$400,000 worth of property left to use as match



# Conclusion & Recommendation

- » Airport Protection Area
- » When Runway 18-36 is removed, preserve the “triangle” of empty land
- » Allow small GA hangars to infill, but limit high dollar investments within these areas
- » Next master plan to re-evaluate and reroute as needed
- » Purchase available land immediately!



# **This Property is Important for Provo City, Beyond Grant Match**

## **Property Provides the Most Logical Area for Airport Expansion**

- Adjacent to Taxiway Bravo
- Near Runway Ends but Outside of the Object Free Zone
- Utilities Nearby

## **Possible Duncan Aviation Expansion**

- New Facility is almost at Capacity and isn't Even Finished
- They Foresee Outgrowing their Current Lease Hold

## **Land for Recruitment and Economic Development**

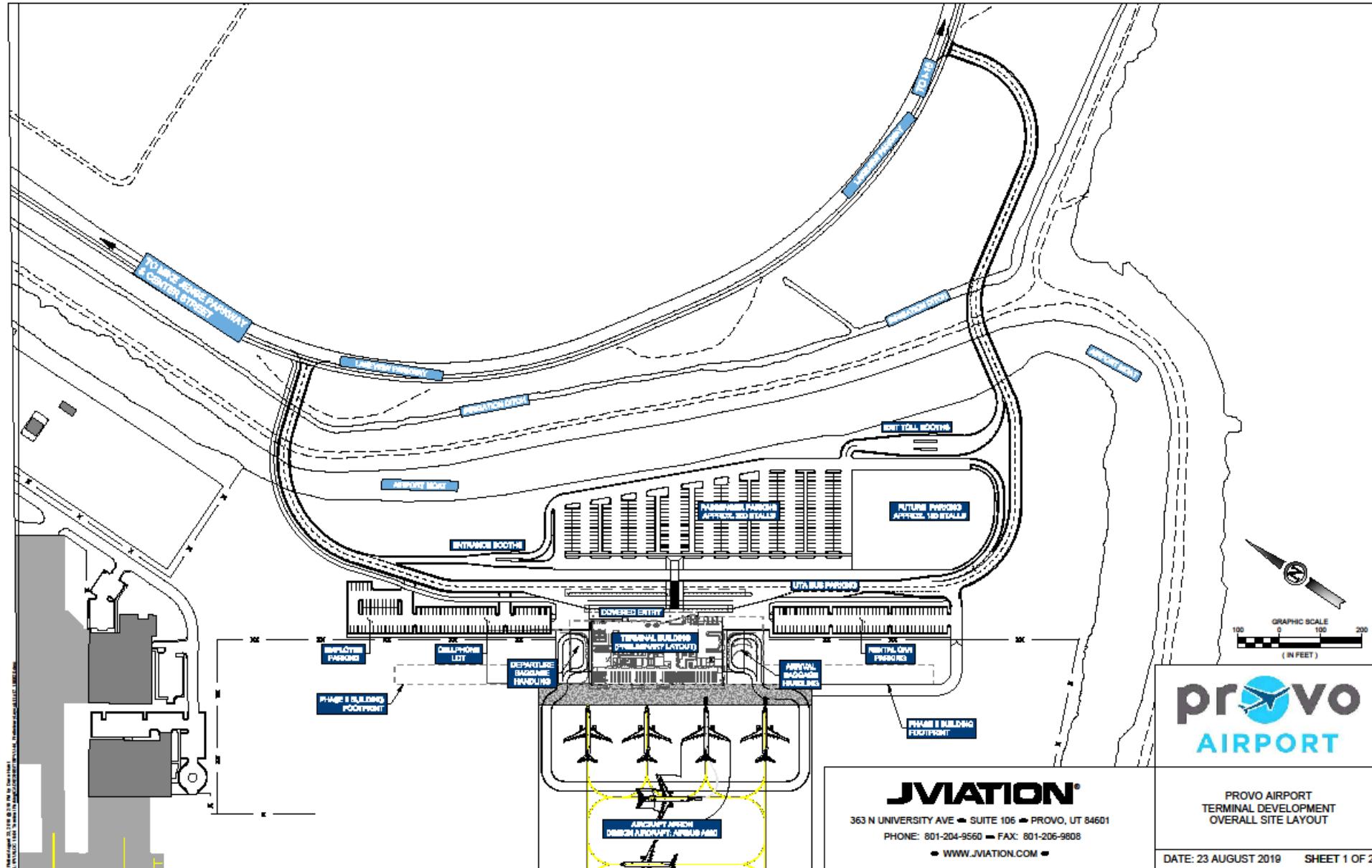
- Possible Cargo Airline Terminal
- Another Duncan Style Aviation Company

## **Additional Corporate Campus**

- Corporate Hangars are in Greater Demand at Provo
- The Airport has no Corporate Hangar Areas Left
- Previous Corporate Taxilane Sold Out in Less than 2 Months

## Some Large Dollar AIP Grant Projects Underway

And we will not have enough property to use as match



**In Addition:**

*we have Requested an Additional \$7 Million in AIP Funding for the Terminal*



**The FAA has decided not to Allow Property as Match  
on the Current \$12 Million Terminal Ramp Project Only (\$1.2M Match).**



# Terminal Project Cost Breakdown

Prepared by Jviation (Airport Engineer)

Provo Municipal Airport Provo, Utah				
PROVO AIRPORT TERMINAL AREA DEVELOPMENT PROJECT PROJECT COST SUMMARY				
PROJECT COSTS				
	Total	FAA	City	
<b>DESIGN/CONST. ADMIN. COSTS</b>				
Commercial Apron (100% FAA)	\$ 1,362,499.18	\$ 1,362,499.18	\$ -	
Aircraft Deice Pad (Estimated)	\$ 120,000.00	\$ 120,000.00	\$ -	
Terminal Building (60% FAA/40% City)	\$ 1,500,342.65	\$ 900,205.59	\$ 600,137.06	
Terminal Parking Lot (100% City)	\$ 464,678.40	\$ -	\$ 464,678.40	
<b>SUB TOTAL</b>	<b>\$ 3,447,520.23</b>	<b>\$ 2,382,704.77</b>	<b>\$ 1,064,815.46</b>	
<b>CONSTRUCTION COSTS</b>		Total	FAA	City
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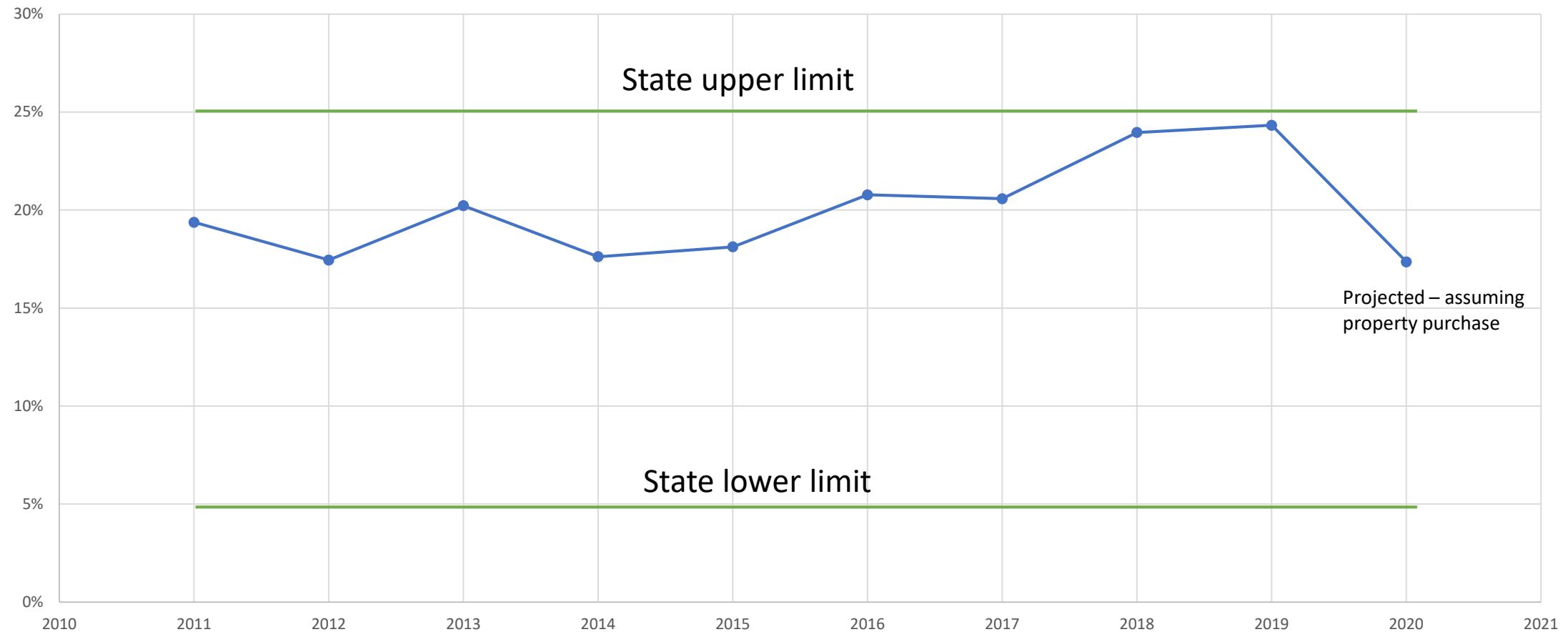
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- **Be in a position to pay for unexpected needs/opportunities**
  - Mid-year appropriations
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Fund Balance (assigned and unassigned)	19.38%	17.45%	20.22%	17.62%	18.12%	20.78%	20.58%	23.96%	24.32%	17.36%

## General Fund Balance as a % of Revenue



## Potential Sources of Funding for Purchase of Property

- **Sell other property owned by the City**
- **Interfund loan from Energy - Repayment would be difficult (5 year payment at 2.5% = \$1,059,144)**
  - Need to make significant cuts to make payment
  - Limit addressing other needs in the City
  - Would require a sizeable loan from Energy
- **Outright purchase and then make a conscious effort to rebuild fund balance.**

## **Impact of Purchase of Property**

- Decrease fund balance (back to the fiscal year 2012 level)
- Could impact bond rating
- Likely take years to build back up to the current level
- Not be as prepared for a recession or unforeseen event

# PROVO MUNICIPAL COUNCIL

## STAFF REPORT



**Submitter:** JMAGNESS  
**Department:** Council  
**Requested Meeting Date:** 03-31-2020

**SUBJECT:** An update on the City Center Project. (20-013)

**RECOMMENDATION:** Receive presentation and make recommendations.

**BACKGROUND:** Scott Henderson will update the Council about the designs for the new City Center Building, the proposed budget, location of the fire station, and the redevelopment of the current City Hall site.

**FISCAL IMPACT:** Yes

**PRESENTER'S NAME:** Scott Henderson, Director Parks and Recreation

**REQUESTED DURATION OF PRESENTATION:** 45 minutes

**COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:**

**CITYVIEW OR ISSUE FILE NUMBER:** 20-013

# CITY CENTER PROJECT

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Scott Henderson, City Center Project Director

James Miguel, Fire Chief

David Walter, Redevelopment

Brent Tippets, VCBO Architecture

# Mission Of A Project

---

- Bond Language

Shall Provo City, Utah be authorized to issue General Obligation Bonds in a principal amount not to exceed \$69,000,000 and to mature in no more than 20 years from the date or dates of issuance of such bonds for the purpose of paying all or a portion of the costs of:

*acquiring, constructing, and equipping in the downtown area a new police and fire headquarters, emergency dispatch center, and city hall; acquiring, constructing, and equipping a new fire station to replace the fire station on Canyon Road; and providing for related improvements in Provo City; and, to the extent necessary, for providing moneys for the refunding of general obligation bonds?*

# Characteristics Of This Project

---

- Balancing act from start to finish
  - Higher construction costs in today's market
  - Commitment to balance the project at every stage.
- Internal design by Directors/Leaders of areas
- Many requests-Set funding capacity = Prioritization
- Public Processes/Guidance
- Provo and it's Provo City government operations are evolving
- Sustainability-Environment and Operational Efficiency
- Present and future needs of community drive efficient allocation of resources and balancing for project-TIMING-Virus
- Old City Center block site and new redevelopment
- Schematic Design Estimate-Largest Balancing of Costs
- We are at the Pre-Construction Design Estimate process now
  - Layton Construction/VCBO are analyzing structural, mechanical, electrical, square footage allocations, construction techniques, and focus of the project on core bond deliverables.
  - Electrical Contractor estimate surprise

# Variables And Impacts Of A Balanced Project

---

- Fire Station Downtown
  - Study on efficient station location to be conducted
  - New development on old site impacts current location
- New Redevelopment RFP
  - New City Center project impacts-costs in or out
  - Logistics of a public/private partnership

# Fire Station In Central/Downtown Area

---

- Need for Fire Services Downtown
  - Density and Building Type
  - Increase volume as Provo City grows and ages
- Current Site functional, but long term study needed
- Provo Fire-Rescue Facilities/Staffing Plan
- Needed Citywide
  - Airport
  - West Side Growth
  - Downtown Solution

# Redevelopment of Former City Center Site

---

- The Goal
- The Process
  - Variables
- Outcome Discussion

# Going Forward

---

- Central Fire Station #1 funding assessed at end of project
  - (Motivated project management)
- What responsibilities can new redevelopment handle on block?
- Creating a balanced and healthier City Center project
- “In budget and on time”
- Two year construction starting in April, 2020.

# Current Visuals

---

- Brent Tippets, VCBO

# City Center



PROVO CITY CENTER

MCBO



PROVO CITY CENTER

KCBG  
ARCHITECTURE



PROVO CITY CENTER



ITY CENTER

VCBO  
ARCHITECTURE



PROVO CITY CENTER

VCBO  
ARCHITECTURE

# PROVO MUNICIPAL COUNCIL

## STAFF REPORT



**Submitter:** DIXONH  
**Department:** Mayor Office  
**Requested Meeting Date:** 01-01-2018

**SUBJECT:** A brief explanation and overview for the Municipal Council on the Central Corridor Transit Study. The Transportation and Mobility Advisory Committee is also invited to participate with the Council. (20-065)

**RECOMMENDATION:** Become familiar with the Central Corridor Study

**BACKGROUND:** Region 3 Utah Department of Transportation has commenced an evaluation process to study the purpose and needs of a central corridor to connect Provo to Lehi and all cities in between via a potential mass transit mechanism. This evaluation process is in collaboration with the Utah Transit Authority, Horrocks Engineering, and Parametrix Consultants. Lehi, American Fork, Pleasant Grove, Lindon, Vineyard, Provo, and Orem are all participating in this process. Up to this point there is a technical committee consisting of both engineers and planners from the respective cities and an elected officials committee made of city mayors and/or administrators. The effort has mostly consisted of determining a purpose and need to move people from Provo to Lehi in the most effective and efficient manner, not necessarily using cars or I-15.

**FISCAL IMPACT:** None at this time

**PRESENTER'S NAME:** Dixon Holmes and Mary De Lamare Schaffer

**REQUESTED DURATION OF PRESENTATION:** 30 minutes

**COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:**  
The Transportation and Mobility Advisory Committee will also be invited to attend and hear the presentation

**CITYVIEW OR ISSUE FILE NUMBER:** 20-065

# CENTRAL CORRIDOR TRANSIT STUDY

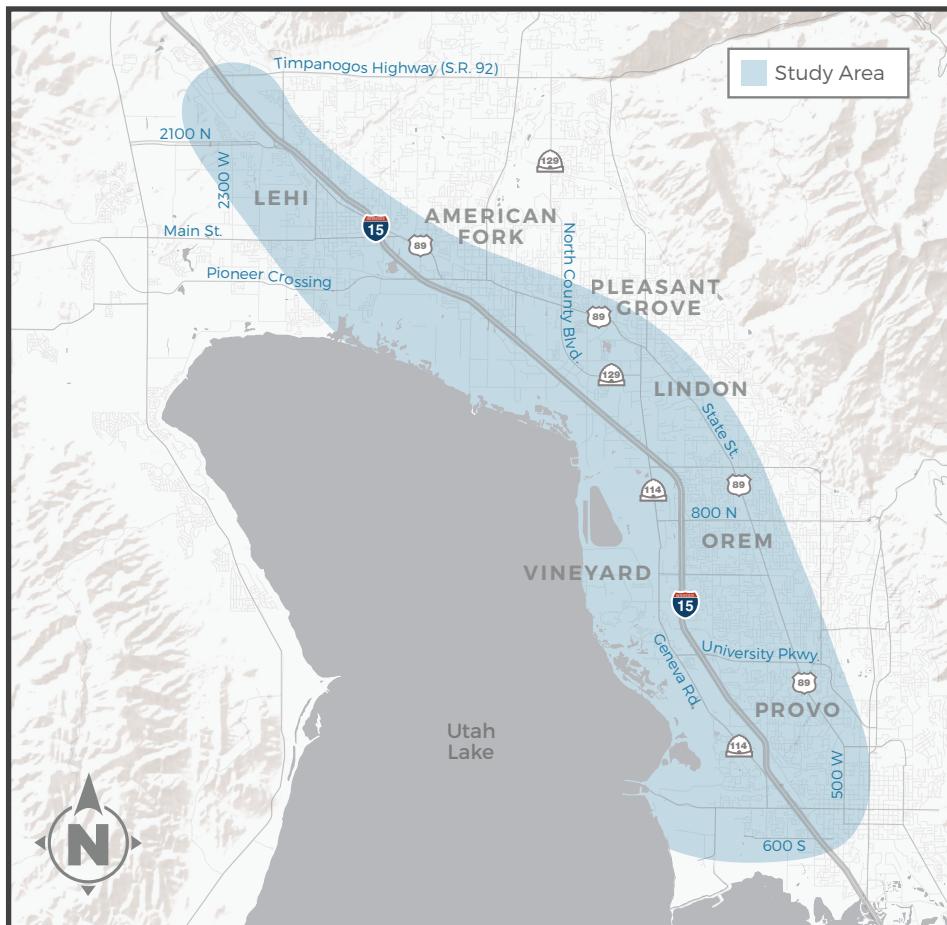
## STUDY OVERVIEW

Seven cities in Utah County, in collaboration with the **Utah Transit Authority (UTA)**, the **Utah Department of Transportation (UDOT)**, and the **Mountainland Association of Governments (MAG)**, have initiated a study to evaluate options for faster and more frequent high-capacity transit service between Lehi and Provo. The participating cities are: **Lehi, American Fork, Pleasant Grove, Lindon, Orem, Vineyard, and Provo**.

Transit is a vital part of the broader transportation network needed to accommodate growth and guide planning in Utah County. The study is building on the foundation of previous planning and is one of multiple efforts to enhance transportation and mobility in this area. The study will evaluate ridership, travel times, land use, economics and costs for a range of alternatives. Public and stakeholder input will be gathered throughout the process and will be a key component to shaping the study.

The desired outcome of the study is the selection of a Preferred Alternative (transit alignment and mode) that can be advanced to a transit study process for further evaluation.

## STUDY AREA & SCHEDULE



- December 2019 – January 2020 Establish project goals
- February 2020 – March 2020 Develop draft alternatives
- April 2020 – August 2020 Evaluate alternatives
- September 2020 Select a Preferred Alternative

## CONTACT US

Contact the study team with questions or comments. To stay informed throughout the transit study process, check out the website and sign up for regular email updates.



385-355-3133



centraltransit@utah.gov



centraltransit.utah.gov

For Immediate Release

## New Transit Study Sets Out to Improve Community Connectivity between Lehi and Provo

*Broader transportation network needed to accommodate projected growth in Utah County*

**(Orem, Utah (Feb. 20, 2020)** — Seven cities in Utah County have partnered with the Utah Transit Authority (UTA), the Utah Department of Transportation (UDOT), and the Mountainland Association of Governments (MAG) to enhance transit options and improve community connectivity between Lehi and Provo.

The participating cities include Lehi, American Fork, Pleasant Grove, Lindon, Vineyard, Orem and Provo. The cities and supporting agencies have launched the Central Corridor Transit Study, which will identify a north-south corridor for a high-quality, reliable, frequent and high-capacity transit solution. The study will build on the successful implementation of UVX and FrontRunner in Utah County. Various modes will be evaluated as part of the study, notably bus rapid transit and light rail.

Transit is a vital part of the broader transportation network needed to accommodate growth in Utah County. The county is projected to double to more than 1.3 million people by 2050 with daily vehicle trips forecasted to double as well.

Public input is essential to shaping the outcomes of the study. The first public comment period for the study begins Feb. 20, 2020 and will gather input on the Purpose and Need for the study and the initial range of corridors. Two additional comment periods are planned for spring and summer 2020 and a Preferred Alternative will be identified late this year to conclude the study. The study is a preliminary phase in exploring new transit options in the area. The Preferred Alternative will then move forward to a transit study process for further evaluation.

The public can sign up for updates at [www.centraltransit.utah.gov](http://www.centraltransit.utah.gov) and provide input in the following ways:

- Visiting the website at [www.centraltransit.utah.gov](http://www.centraltransit.utah.gov).
- Emailing [centraltransit@utah.gov](mailto:centraltransit@utah.gov).
- Calling the project hotline at 385-355-3133.
- Attending a public meeting in October 2020.

-UTA-

### Media Contacts:

Mary De La Mare-Schaefer  
UTA Regional General Manager  
[MDelamareS@rideuta.com](mailto:MDelamareS@rideuta.com)  
801-209-8837

Jamie Davidson  
Orem City Manager  
[Jpdavidson@orem.org](mailto:Jpdavidson@orem.org)  
801-229-7035

## **Content**

### **City Package**

- Project Flyer
- Project Map (JPEG)

### **City Facebook:**

**Lehi City** is one of seven cities collaborating with UTA, UDOT and MAG to evaluate options for faster and more frequent high-capacity transit service between Lehi and Provo. Transit is a vital part of the broader transportation network needed to accommodate growth and guide planning in Utah County. Public input will be gathered throughout the process and will be a key component to shaping the study.

**Please visit [centraltransit.utah.gov](http://centraltransit.utah.gov) to provide your feedback on 1) the purpose and need of the study and 2) the initial range of transit corridors.** The desired outcome of the study is the selection of a Preferred Alternative (transit alignment and mode) that can be advanced to a transit study process for further evaluation. For more information, please call 385-355-3133 or email the study team at [centraltransit@utah.gov](mailto:centraltransit@utah.gov).

### **City Twitter:**

**Lehi City** is collaborating with six other cities, UTA, UDOT, and MAG to initiate a study evaluating faster & more frequent transit options between Lehi and Provo. Visit [centraltransit.utah.gov](http://centraltransit.utah.gov) to get involved & provide feedback.

### **City Website:**

**Lehi City** is one of seven cities collaborating with the Utah Transit Authority (UTA), Utah Department of Transportation (UDOT), and Mountainland Association of Governments (MAG) to evaluate options for faster and more frequent high-capacity transit service between Lehi and Provo. Transit is a vital part of the broader transportation network needed to accommodate growth and guide planning in Utah County. Public input will be gathered throughout the process and will be a key component to shaping the study. **Please visit [centraltransit.utah.gov](http://centraltransit.utah.gov) for more information.**

### **March 2020 City Newsletter:**

**Lehi City** is one of seven cities collaborating with UTA, UDOT, and MAG to evaluate options for faster and more frequent high-capacity transit service between Lehi and Provo. Transit is a vital part of the broader transportation network needed to accommodate growth and guide planning in Utah County. Public input will be gathered throughout the process and will be a key component to shaping the study.

**Please visit [centraltransit.utah.gov](http://centraltransit.utah.gov) to provide your feedback on 1) the purpose and need of the study and 2) the initial range of transit corridors.** The desired outcome of the study is the selection of a Preferred Alternative (transit alignment and mode) that can be advanced to a transit study process for further evaluation. For more information, please call 385-355-3133 or email the study team at [centraltransit@utah.gov](mailto:centraltransit@utah.gov).

## **UTA Package**

- Project Flyer
- Project Map (JPEG)

### UTA Twitter:

Seven cities in Utah County are working with us to evaluate faster and more frequent transit options between Lehi and Provo. Visit [centraltransit.utah.gov](http://centraltransit.utah.gov) to get involved and provide feedback on the initial range of alternatives.

### UTA Website:

UTA, in collaboration with the Utah Department of Transportation (UDOT), Mountainland Association of Governments (MAG) and seven cities in Utah County (Lehi, American Fork, Pleasant Grove, Lindon, Orem, Vineyard and Provo), have initiated a study to evaluate options for faster and more frequent high-capacity transit service between Lehi and Provo. Transit is a vital part of the broader transportation network needed to accommodate growth and guide planning in Utah County. Public input will be gathered throughout the process and will be a key component to shaping the study.

**Please visit [centraltransit.utah.gov](http://centraltransit.utah.gov) to provide your feedback on 1) the purpose and need of the study and 2) the initial range of transit corridors.** The desired outcome of the study is the selection of a Preferred Alternative (transit alignment and mode) that can be advanced to a transit study process for further evaluation. For more information, please call 385-355-3133 or email the study team at [centraltransit@utah.gov](mailto:centraltransit@utah.gov).

## **UDOT Package**

### UDOT Website:

Seven cities in collaboration with the Utah Transit Authority (UTA), Utah Department of Transportation (UDOT), Mountainland Association of Governments (MAG), have initiated a study to evaluate options for faster and more frequent high-capacity transit service between Lehi and Provo. Transit is a vital part of the broader transportation network needed to accommodate growth and guide planning in Utah County. Public input will be gathered throughout the process and will be a key component to shaping the study.

**Please visit [centraltransit.utah.gov](http://centraltransit.utah.gov) to provide your feedback on 1) the purpose and need of the study and 2) the initial range of transit corridors.** The desired outcome of the study is the selection of a Preferred Alternative (transit alignment and mode) that can be advanced to a transit study process for further evaluation. For more information, please call 385-355-3133 or email the study team at [centraltransit@utah.gov](mailto:centraltransit@utah.gov).

### UDOT Quote Tweet Content:

We are excited to partner with the cities and UTA to improve community connectivity in Utah County. Check out the project website for more info!



# CENTRAL CORRIDOR TRANSIT STUDY

Provo City Council Meeting – March 31, 2020



# Central Corridor Transit Study Overview

## What are the goals of the study?

- Evaluate high-capacity transit improvements from Lehi to Provo
- Select a Preferred Alternative for transit (alignment and mode) that can be moved into future phases of project development
- Provide a transparent and collaborative process between all project partners (Lehi, American Fork, Pleasant Grove, Lindon, Orem, Vineyard, Provo, Utah County, MAG, UTA, and UDOT)



# What is high-capacity transit?

## A robust transit system serves different types of trips

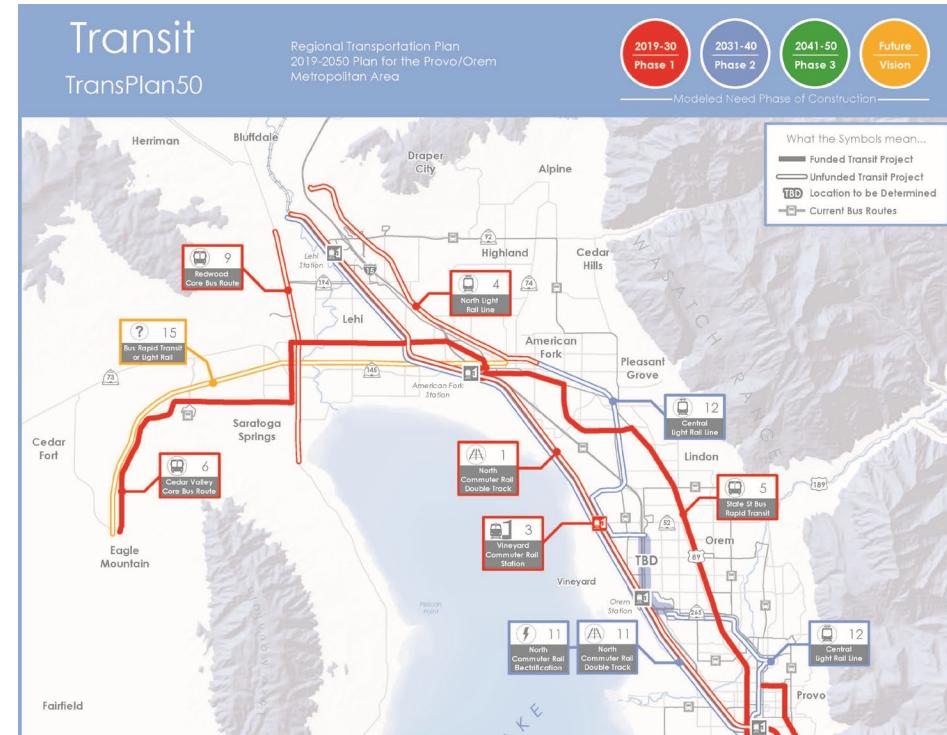
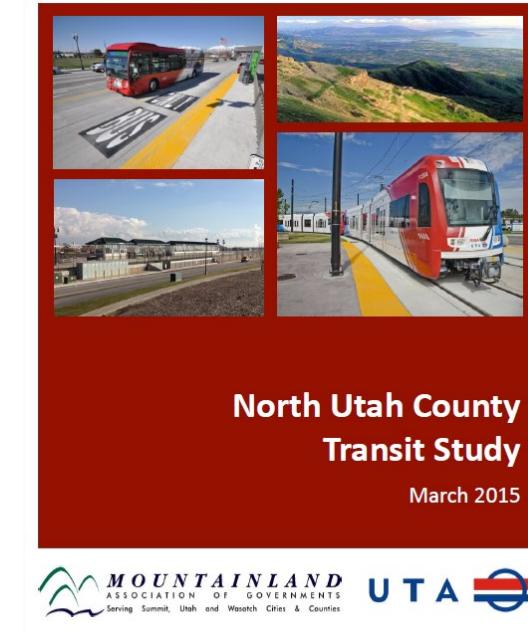
- High-capacity transit serves as a backbone to the system:
  - Connecting major destinations
  - Augmented by “first mile/last mile” connections, like local bus service and bicycle and pedestrian facilities
- High-capacity transit characteristics:
  - Carries larger number of passengers
  - Provides frequent and reliable service
  - Operates in exclusive right-of-way (out of traffic) or on existing streets
  - Features more modern vehicles, enhanced transit stops, off vehicle fare collection, and signal priority at intersections

# Transit Mode Review

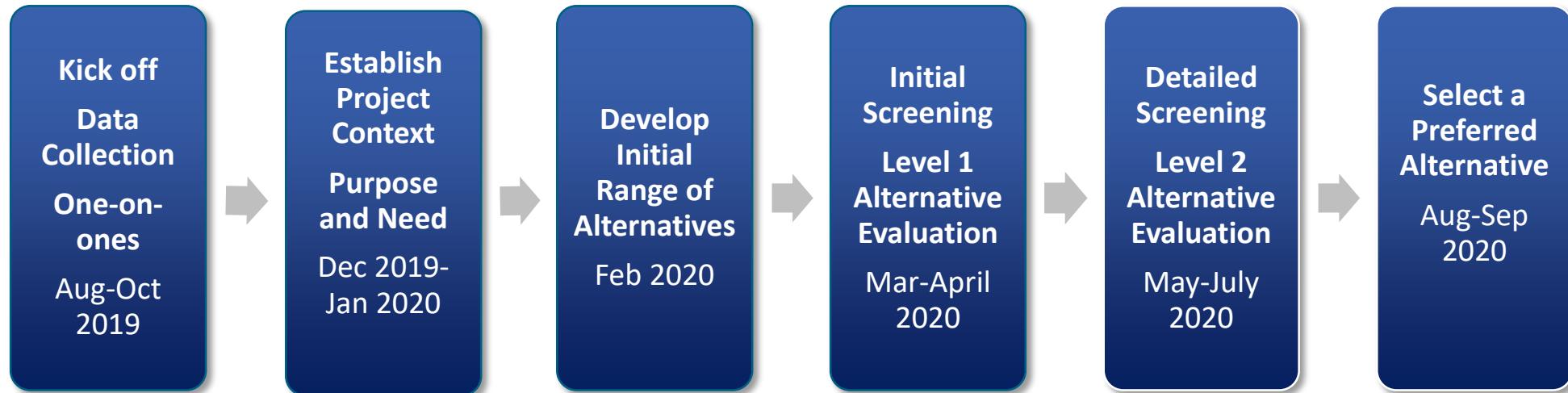
	Bus Rapid Transit	Light Rail Transit	Commuter Rail Transit
<b>Trip Types</b>	Local and regional	Local and regional	Regional
<b>Operating Environment</b>	Exclusive right-of-way or mixed traffic along arterial streets or highways	Exclusive right-of-way within arterial streets or in dedicated right-of-way separate from streets	Separate right-of-way
<b>Typical Spacing of Stops</b>	1 mile	1 mile	4 to 5 miles
<b>Typical Peak Frequencies</b>	15 minutes	15 minutes	30 minutes
<b>Typical Capital Cost/Route Mile</b>	\$1 - \$15 million per mile	\$60 - \$90 million per mile	\$10 - \$50 million per mile
<b>Passenger Capacity/Vehicle</b>	60 - 90 per bus	180 - 200 per car	100 - 200 per car
<b>UTA Example</b>	UVX 	TRAX 	FrontRunner 

# Central Corridor Transit Study Background

- **Study builds on:**
  - Northern Utah County Transit Study
  - MAG Regional Transportation Plan
  - Success and continuation of UVX
    - Connections to Utah Valley Regional Medical Center
  - Existing transit service in Utah County



# Transit Study Process and Schedule



- Coordination with Technical Advisory Committee and Executive Committee at key milestones
- Public and stakeholder engagement ongoing throughout study

# Study Activities to Date

## ➤ Project kickoff

- One-on-one meetings with each agency
- Bus tour with Executive Committee

## ➤ Key Milestones

- Developed study area understanding and documented in Existing and Future Conditions Memo
- Formalized Project Purpose and Need
- Drafted initial range of project alternatives and refined based on input from Technical Advisory Committee



# Project Purpose and Need

## ➤ Why is this project needed?

- Roadways are becoming more congested and travel times are unreliable
- Northern and central Utah County is growing rapidly, and street/highway network will not be able serve increased traffic; robust transit options will be required to meet the forecasted transportation demand
- Local plans call for transit investments to catalyze economic development opportunities and desire for planned growth to occur in areas served by high-capacity transit



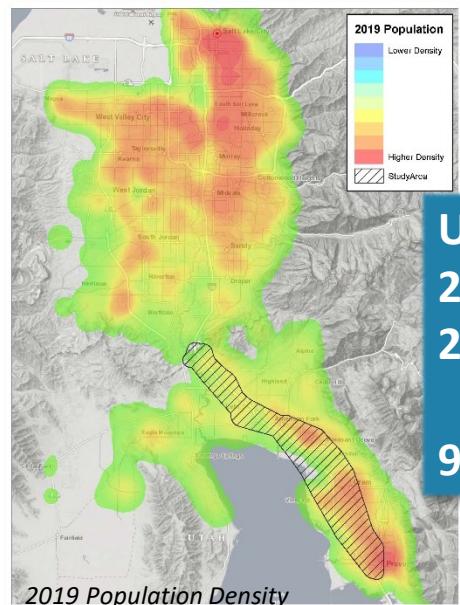
2015 Congestion (left); 2050 Congestion with Planned Projects and Arterial Grid Network (right)  
(Source: MAG TransPlan50)



# Project Purpose and Need

## ➤ What is the project purpose?

- The goal of the project is to provide **reliable, frequent, and high-capacity transit improvements** from Lehi to Provo that:
  - Improve mobility and provide an alternative to driving for both local and regional trips
  - Connect to the existing and planned transportation network
  - Support the transportation demands of anticipated growth in population and employment
  - Support community's land use and economic development goals



Utah County Population  
2019 – 660,000  
2050 – 1.3 Million

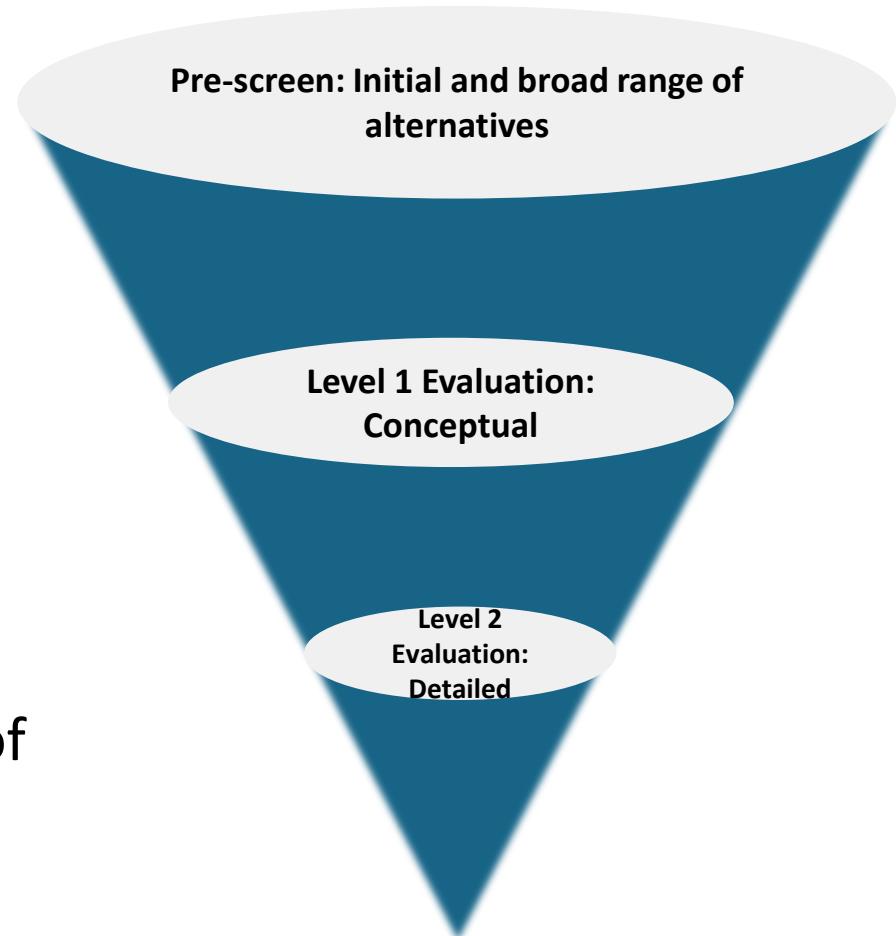
96% growth



# Alternatives Evaluation

## Alternatives Evaluation – 3 main steps

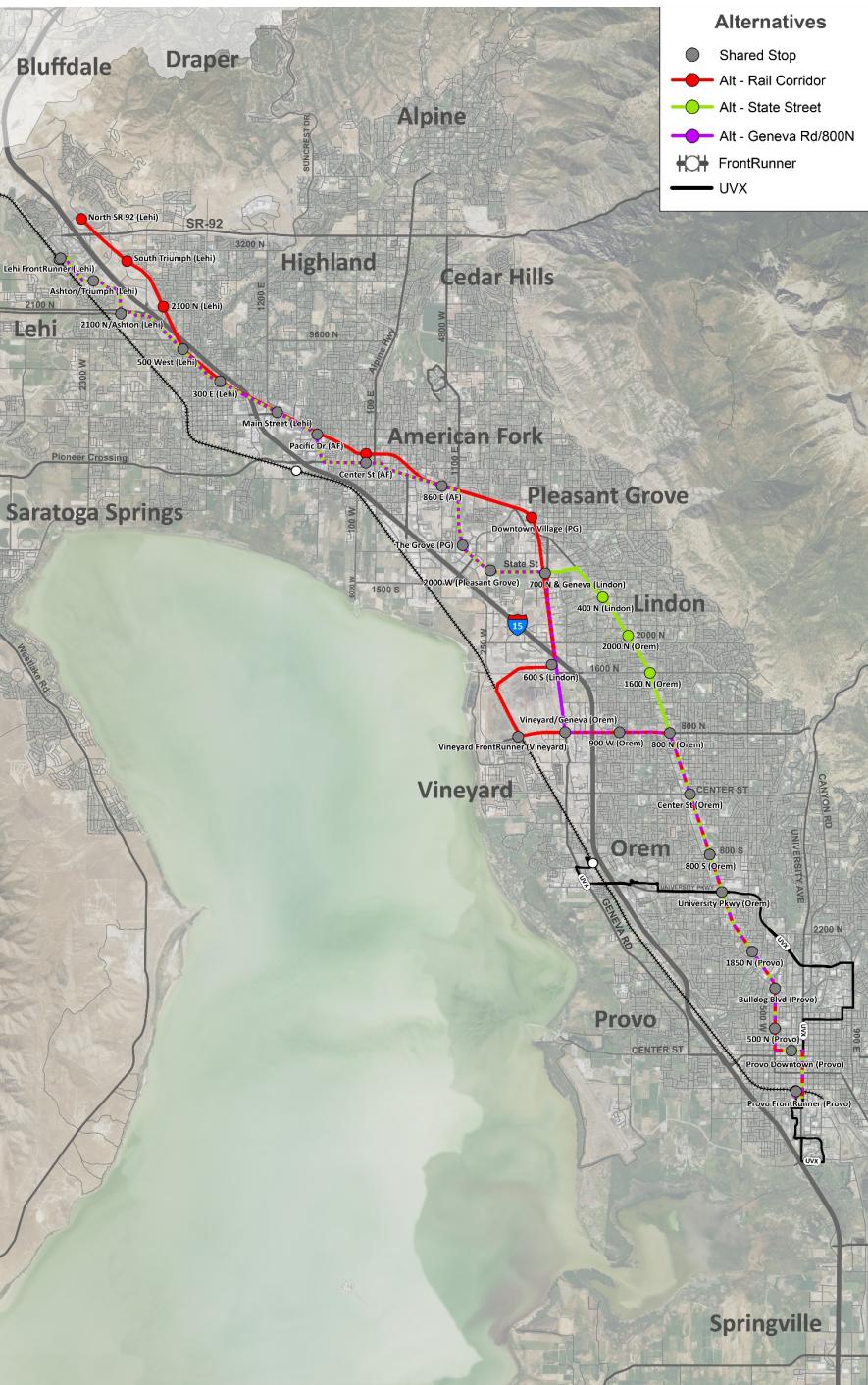
- **Pre-screening:** Broad range of alternatives
- **Level 1 Evaluation:** Alternatives developed at a conceptual level
- **Level 2 Evaluation:** Narrower set of alternatives developed in more detail



# Where are we now?

## Level 1 Alternative Screening

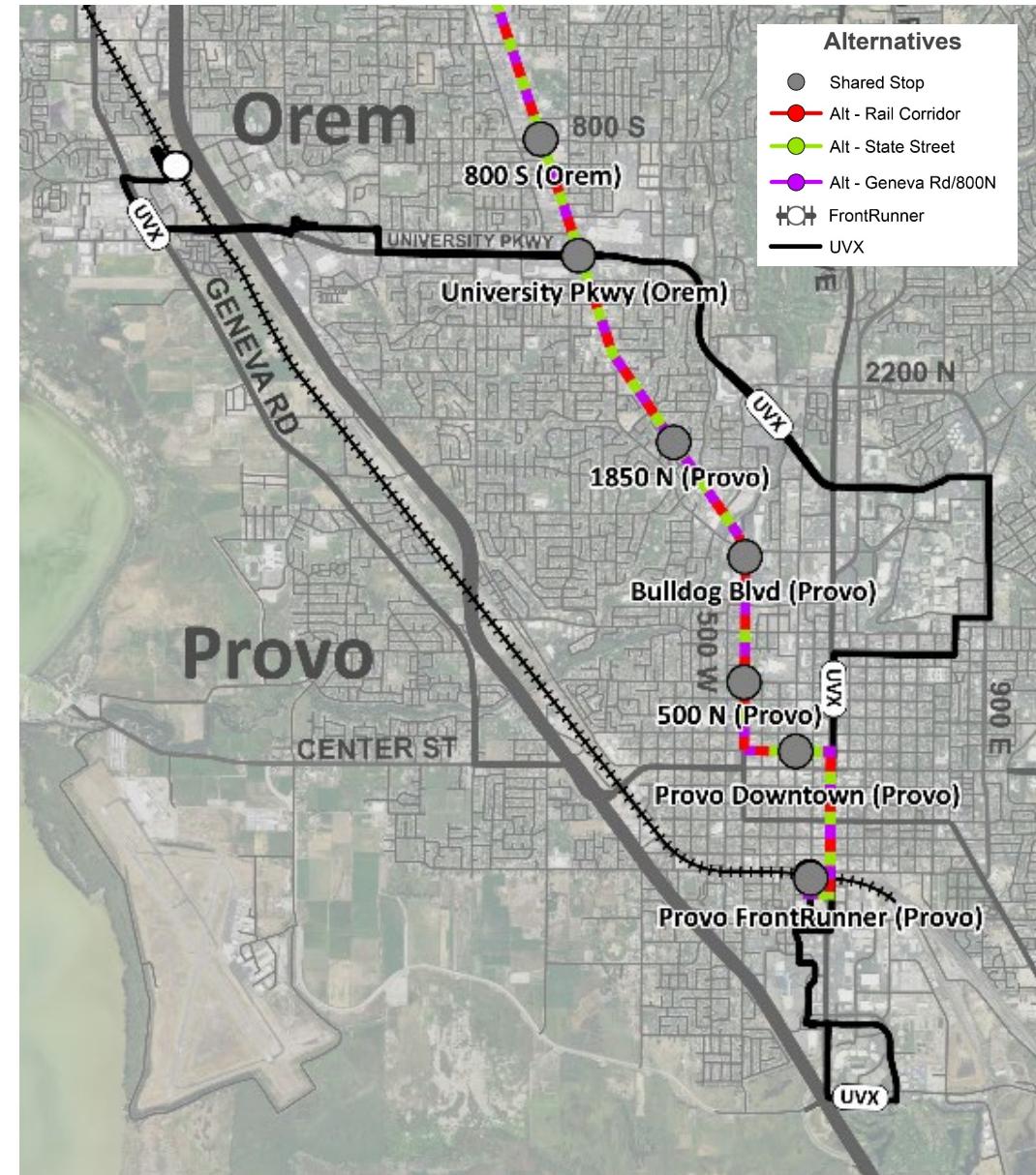
- **Level 1 alternatives developed from:**
  - Previous plans and recommendations developed though the Cities and MAG
  - Existing/future land uses
  - Existing/future transportation network
  - Feedback from TAC and Executive Committee



# Where are we now?

## Level 1 Alternative Screening

- **Level 1 screening will look at factors such as:**
  - Ridership potential
  - Connections to the existing/future transportation network
  - Community compatibility
  - TOD development potential
  - Cost and constructability
  - Environmental effects



# What's next?

- **Level 1 screening | April**
  - Results to TAC in mid-April
  - Review with Executive Committee and make recommendation on alternatives to consider in Level 2 late-April
- **Level 2 screening | May – July**
  - Alternatives evaluated in greater detail and refined to enhance performance
  - Best performing alternative selected as a Preferred Alternative
- **Preferred Alternative | August – September**
  - Preferred Alternative is further refined with additional engineering detail, operating characteristics, and development of funding plan
- **Future Phase – Late Fall 2020 – 2021**
  - Preferred Alternative moved into environmental study and preliminary design – Scoring well in the MAG TIP project selection process

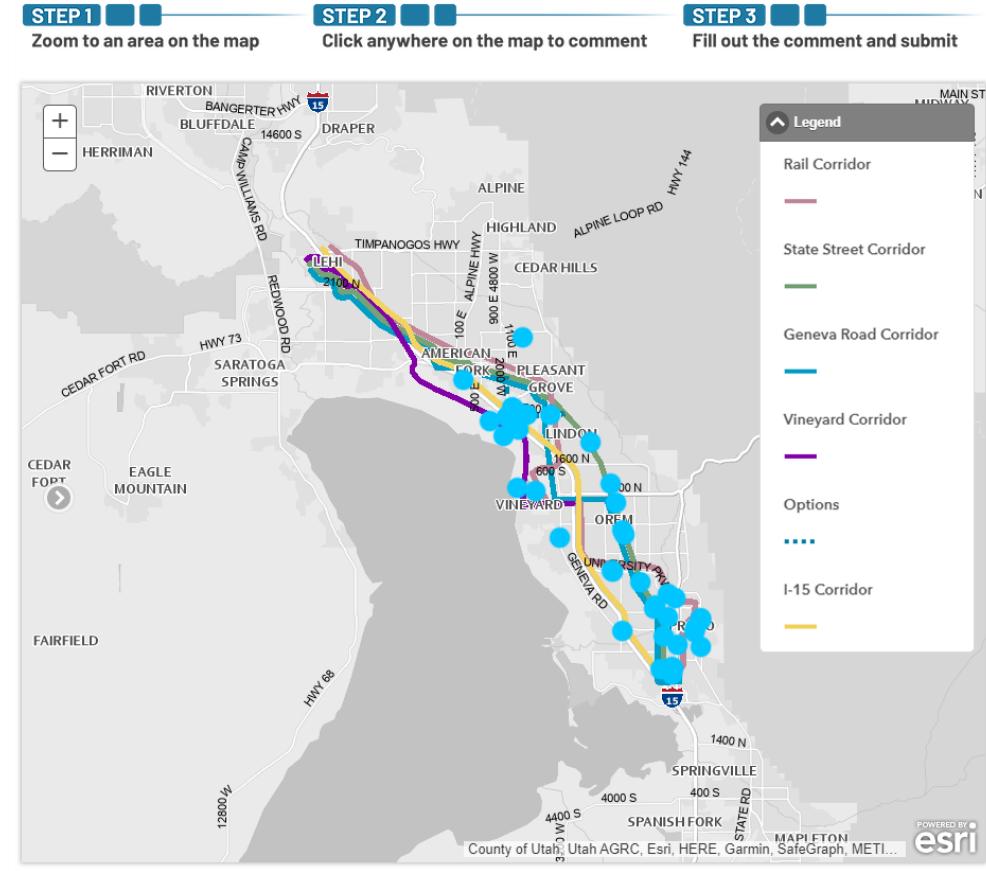
# Public Engagement

## ➤ Public Launch – Early March


- Website, email and hotline
- News coverage
- Existing city, UTA, and UDOT channels
- Online comment map

## ➤ Public Response to Date

- Website
  - [www.centraltransit.utah.gov](http://www.centraltransit.utah.gov)
  - 1,386 views
- Hotline/Email
  - 385-355-3133
  - [centraltransit@utah.gov](mailto:centraltransit@utah.gov)
- Comments
  - 87 written comments



# POTENTIAL TRANSIT CORRIDOR OPTIONS



# PROVO MUNICIPAL COUNCIL

## STAFF REPORT



**Submitter:** NLA  
**Department:** Development Services  
**Requested Meeting Date:** 03-31-2020

**SUBJECT:** An ordinance amending the Provo City General Plan relating to The Transportation Master Plan. Citywide Application. (PLGPA20200038)

**RECOMMENDATION:** The Planning Commission has recommended approval (4:1) with the following modifications to the Transportation Master Plan Active Transportation:

1. 600 South should be a citywide corridor (blue) instead of a neighborhood corridor.
2. 2500 West corridor should be designated as "neighborhood" (green).
3. 2050 West/Geneva Road should be a citywide corridor (blue).
4. 1600 West should be a neighborhood corridor (green).
5. 1100 West should be a neighborhood corridor (green).
6. 1150 South should be a citywide corridor (blue) that extends to the regional park.

**BACKGROUND:** Continued from the meetings on March 10, 2020.

The Transportation Master Plan (TMP) is an appendix to the General Plan and provides guidance on future transportation needs within the City. The TMP provides information on current and future transportation conditions to be taken into consideration when reviewing future development projects and capital improvements.

The Public Works Department has contracted with Parametrix to revise and update the TMP, which was adopted in 2011, to reflect existing and future conditions.

**FISCAL IMPACT:** TBD

**PRESENTER'S NAME:** Robert Mills: (801) 852-6407, [rmills@provo.org](mailto:rmills@provo.org)

**REQUESTED DURATION OF PRESENTATION:** 5 minutes

**COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:**

**CITYVIEW OR ISSUE FILE NUMBER:** PLGPA20200038



## Planning Commission Hearing Staff Report

### Hearing Date: February 26, 2020

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**\*ITEM #3** The Public Works Department requests a General Plan Amendment for adoption of the 2020 Transportation Master Plan. Citywide application. Robert Mills (801) 852-6407  
rmills@provo.org PLGPA20200038

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**Applicant:** Provo City Public Works Department

**Staff Coordinator:** Robert Mills

**\*Council Action Required:** Yes

#### **ALTERNATIVE ACTIONS**

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is March 11, 2020 at 6:00 PM.*
2. **Deny** the requested Project Plan. *This action would not be consistent with the recommendations of the Staff Report. The Planning Commission should state new findings.*

**Relevant History:** The Public Works Department has contracted with Parametrix to revise the current Transportation Master Plan (TMP) for Provo City. The proposed TMP has been reviewed by the Transportation and Mobility Advisory Committee (TMAC). TMAC has made a recommendation to the City Council which is included in this report.

The TMP is an important guiding document for the future transportation needs of the City and is an appendix to the General Plan.

**Neighborhood Issues:** Parametrix and the Public Works Department have held two previous open houses and the final one will be held on February 20, 2020, which will be prior to the Planning Commission hearing, but after this report is sent to the Planning Commission members.

**Staff Recommendation:** The Public Works Department is requesting the Planning Commission forward a positive recommendation of the requested General Plan Map Amendment to the Municipal Council.

## **OVERVIEW**

The Transportation Master Plan (TMP) is an appendix to the General Plan and provides guidance on future transportation needs within the City. The Public Works Department has contracted with Parametrix to revise and update the TMP to reflect existing and future conditions. The proposed plan is divided into seven (7) chapters and includes the following chapters.

- Chapter 1 reviews the goals, objectives, and policy statements of the previous TMP and the General Plan, and provides background information on transportation methods.
- Chapter 2 reviews the existing and modeled roadway network conditions with an assessment of levels of service given current and future inputs.
- Chapter 3 reviews safety information derived from crash statistics for vehicles, bicycles, and pedestrians.
- Chapter 4 reviews the roadway network for the City, roadway classifications, cross-sections, and bicycle facilities.
- Chapter 5 incorporates active transportation, which is a new element unique to this TMP update.
- Chapter 6 outlines the Capital Facilities Plan and lists proposed projects in two (2) phases.
- Chapter 7 highlights emerging technologies that should be addressed and planned for with future development.

## **FINDINGS OF FACT**

1. The TMP is an appendix of the General Plan and is mandated to be included in the General Plan by state law.
2. The TMP provides information on current and future transportation conditions to be taken into consideration when reviewing future development projects and capital improvements.
3. The existing TMP was adopted in 2011.
4. TMAC has given a recommendation of approval of the proposed TMP with additional considerations noted in the attached TMAC Meeting Notes from February 11, 2020.

## **Analysis**

Section 14.02.020(1) of the Provo City Code states the following regarding amendments to the Planning and Zoning Title and to the General Plan:

*“Amendments shall not be made . . . except to promote more fully the objectives and purposes of this Title and the Provo City General Plan or to correct manifest errors.”*

Additionally, guidelines for consideration of an amendment are set forth in Section 14.02.020(2) of the Code and are listed below. Staff analysis is provided after the individual guidelines in **bold**.

(a) *Public purpose for the amendment in question.*

**The amendment is an update to the TMP to help guide future transportation needs for the City.**

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

**The public purpose is served because the current TMP has not been updated since 2011. Current and future transportation needs have likely changed because of new development and population changes.**

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

**The change is compatible with the General Plan policies, goals, and objectives.**

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

**No conflicts.**

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

**The proposed TMP has incorporated the pertinent articulated policies.**

(f) *Adverse impacts on adjacent land owners.*

**No adverse impacts are anticipated.**

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

**The TMP applies citywide.**

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

**No such conflict is anticipated.**

## **RECOMMENDATION**

The Public Works Department is requesting the Planning Commission forward a positive recommendation of the requested General Plan Map Amendment to the Municipal Council.

## **ATTACHMENTS**

1. 2020 Transportation Master Plan (provided electronically)
2. February 11, 2020 TMAC Meeting Notes

Attachment 1 – 2020 Transportation Master Plan (Provided Electronically)

Attachment 2 – February 11, 2020 TMAC Meeting Notes

**TMAC Notes**

**February 12, 2020, 12:30pm**

**Provo City Community and Neighborhood Services Conference Room**

In Attendance:

- TMAC Members: Joy McMurray, Mitsuru Saito, Clancy Black, James Hamula
- Staff: Austin Taylor, Shane Winters, David Graves, David Day, Robert Mills
- Others: David Shipley(Municipal Council Rep) Rob Slater (representing BikeWalk Provo)

**Item One**

- Joy moved to select Clancy Black as chair of TMAC; Jim seconded; unanimous
- Mitsuru moved to select Joy as vice chair of TMAC; Jim seconded; unanimous

**Item Two**

- Austin talked about sections in city code that address the Center Street Pedestrian Mall. Section 9.30 has the bulk of the policies.
- David Graves said that there is not an alternative street suggested for drivers to take in that section of code.
- Public Works engineers conducted a count of cars driving on the Center Street Pedestrian Mall, They found an average of 23,000 cars per day. This count was taken during reconstruction of 500 W while the closest east/west crossings of 500 W were at 800 North and 300 South.
- James likes sending a general policy recommendation to City Council but also thinks that they should send something more tangible. He thinks TMAC should develop a plan that would move toward implementation.
- Joy thinks that Center Street's classification as a pedestrian mall limits east/west mobility by car.
- James thinks that they should make a recommendation for city council to order staff to study the street more to determine what to do with it.
- James suggests that the city should make small changes now to reduce automobile speed and volume and work on long-term solutions to implement Center Street Pedestrian Mall policies.
- TMAC members worked through a recommendation
- Clancy moved to send the recommendation to city council; Mitsuru seconded; unanimous.

**Item Three**

- Shane Winters said that Public Works has brought the Transportation Master Plan to TMAC nine times for discussion and hopes to pass it through Planning Commission and City Council soon.
- Clancy said that he has concerns that still have not been addressed.

- Shane told Clancy to send those concerns to the Planning Commission in preparation for their review.

Item Four

- Parametrix held an open house about railroad crossings for Public Works.
- Shane said the event had good attendance and presented only data—no proposals for overpasses
- Parametrix is looking at the public comment from that meeting

Item Five

- Postponed for a future meeting

**Attachment:** Motions made by TMAC members during the meeting which will be forwarded on to the Municipal Council.

Next meeting: Tuesday, March 10, 2020, 12:30pm, Provo City Community and Neighborhood Services Conference Room

## **Transportation Master Plan**

The Transportation and Mobility Advisory Committee forwards a positive recommendation of the draft Transportation Master Plan. We specifically call attention to the following two items:

### **2200/2230 North Project**

Due to the potential impact to city-wide mobility and the local neighborhood significant discussion was had regarding a proposed project on 2200/2230 North. The following key points summarize our findings:

1. This is a critical corridor for east-west mobility
2. A widening project would likely have significant impact to the existing neighborhood
3. The 2040 no-build model does not show deterioration in level of service from existing conditions.
4. Existing observed concerns relate to vehicle speed, side-street congestion (vehicles turning onto 2200/2230 North) and safety of motorists and vulnerable users.
5. University Parkway is a viable, though less convenient, alternative route.

Based on these findings TMAC determined that a project is needed but a widening project does not appear to be the ideal solution. The Transportation Master Plan was therefore updated to show the project as "Safety and Capacity Improvements". Further study will be required to determine the actual scope of improvements. We believe this is the best path forward that addresses mobility for all users in a context-sensitive way.

### **800/820 North**

After review of the data we determined the Phase I improvements to 800 North between 500 West and University Avenue are important to mobility within the City. Phase 2 improvements to 800/820 North west of 500 West warrants further evaluation. This project is in Phase II of the plan providing time for additional study.

### **Center Street**

Center Street warrants further consideration. TMAC has provided a separate recommendation regarding these issues.

### **Active Transportation**

The Transportation Master Plan provides significant guidance regarding the active transportation network, recommended amenities, and proposed projects. Including this as part of the Transportation Master Plan, rather than a separate document, is an important step toward appropriately prioritizing all travel modes. The plan includes dozens of proposed improvements but there are still no reliable funding sources for these improvements. After the plan is adopted we urge the Council to prioritize identification of existing and new funding to address these needs.

## **Center Street**

The Transportation and Mobility Advisory Committee recommends that Provo Municipal Council place renewed emphasis on policies related to downtown Center Street as a pedestrian mall. Chapter 9.30 of the Provo City Code defines the city's current and future vision for Center Street. These policies are supported by the downtown neighborhood and business community. As such, we recommend the City more aggressively pursue changes in support of these policies. We recommend the following actions:

1. Emphasize that Center Street is a destination, not a thoroughfare
2. Implement traffic calming measures to slow vehicles down as they enter and travel through the downtown Center Street area.
3. Operational changes to incentivize use of alternative routes for east-west mobility.
4. Engage in further exploration regarding the following:
  - a. Overall east-west mobility in Provo, including but not limited to, the impact of future changes to 500 North and potentially a new I-15 interchange.
  - b. The future design of Center Street in terms of the pedestrian environment and traffic operations.

We would like to continue this discussion and have staff update TMAC with progress and ways that the TMAC can support these efforts.

## ORDINANCE 2020-.

AN ORDINANCE AMENDING THE PROVO CITY GENERAL PLAN  
RELATING TO THE TRANSPORTATION MASTER PLAN. CITYWIDE  
APPLICATION. (PLGPA20200038)

WHEREAS, it is proposed that the Provo City General Plan be amended to adopt the 2020 Transportation Master Plan; and

WHEREAS, on February 26, 2020, the Planning Commission held a duly noticed public hearing to consider the proposed amendment, and after such meeting, the Planning Commission recommended approval to the Municipal Council by a vote of 4:1; and

WHEREAS, on March 10, 2020, the Municipal Council met to ascertain the facts regarding this matter and receive public comment, which facts and comments are found in the public record of the Council's consideration; and

WHEREAS, after considering the Planning Commission's recommendation and facts and comments presented to the Municipal Council, the Council finds (i) Provo City Code should be amended as described herein and (ii) the proposed amendment reasonably furthers the health, safety and general welfare of the citizens of Provo City.

NOW, THEREFORE, be it ordained by the Municipal Council of Provo City, Utah, as follows:

## PART I:

The Provo City General Plan is amended with the adoption of the 2020 Transportation Master Plan, which has been provided to the Municipal Council, is available to the public at Council offices, and at the time of the passage of this ordinance could be viewed in its entirety online at: <https://www.provo.org/Home/ShowDocument?id=18048>

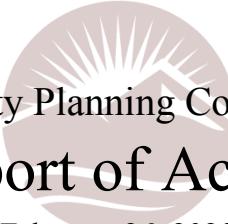
### PART III:

- A. If a provision of this ordinance conflicts with a provision of a previously adopted ordinance, this ordinance shall prevail.
- B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the remainder of the ordinance shall not be affected thereby.
- C. The Municipal Council hereby directs that the official copy of the Provo City Code be updated to reflect the provisions enacted by this ordinance.

46           D. This ordinance shall take effect immediately after it has been posted or published  
47           in accordance with Utah Code 10-3-711, presented to the Mayor in accordance  
48           with Utah Code 10-3b-204, and recorded in accordance with Utah Code 10-3-713.

49

50       END OF ORDINANCE.



## Provo City Planning Commission Report of Action

February 26, 2020

PLGPA20200038 The Public Works Department requests a General Plan Amendment for adoption of the 2020 Transportation Master Plan. Citywide application. Robert Mills (801) 852-6407 [rmills@provo.org](mailto:rmills@provo.org)  
PLGPA20200038

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The following action was taken by the Planning Commission on the above described item at its regular meeting of February 26, 2020:

### RECOMMEND APPROVAL

On a vote of 4:1, the Planning Commission recommended that the Municipal Council approve the above noted application with the following modifications to the Transportation Master Plan Active Transportation

1. 600 South should be a citywide corridor (blue) instead of a neighborhood corridor.
2. 2500 West corridor should be designated as “neighborhood” (green).
3. 2050 West/Geneva Road should be a citywide corridor (blue).
4. 1600 West should be a neighborhood corridor (green).
5. 1100 West should be a neighborhood corridor (green).
6. 1150 South should be a citywide corridor (blue) that extends to the regional park.

Motion By: Andrew Howard

Second By: Robert Knudsen

Votes in Favor of Motion: Andrew Howard, Robert Knudsen, Maria Winden, and Lisa Jensen

Votes Opposed to Motion: Laurie Urquiaga

*Maria Winden was present as Acting 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.

### **STAFF PRESENTATION TO THE PLANNING COMMISSION**

Staff provided details of the proposed Master Plan and the proposed projects within the plan. Staff detailed the addition of a new “Active Transportation” section of the plan and answered questions. Clancy Black, Transportation and Mobility Advisory Committee Chair also addressed the Planning Commission and provided recommendations for expanded areas of the active transportation network. Those suggestions were incorporated as part of the approved motion (also attached to this report).

### **NEIGHBORHOOD MEETING DATE**

- Three Public Open Houses have been held regarding the proposed Transportation Master Plan.

## **NEIGHBORHOOD AND PUBLIC COMMENT**

- Multiple Neighborhood Chair(s) were present or addressed the Planning Commission.
  - Becky Bogdin, Lakewood Neighborhood Chair, spoke generally in favor of the plan but also added that 1150 South should be extended as a citywide corridor for active transportation from 1600 West to the new regional park.
  - Paul Evans, Pleasant View Neighborhood Chair, provided a copy of concerns primarily focused on 2200/2230 North (attached to this report). He supports the change in specific designation from a 5-lane design to a yet-to-be-determined design to address safety and capacity.

## **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:

- Other comments from the public primarily focused on the desire to not expand 2200/2230 North.

## **APPLICANT RESPONSE**

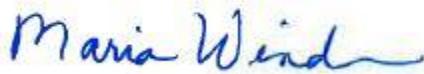
Key points addressed in the applicant's presentation to the Planning Commission included the following:

- The applicant responded favorably to the proposed changes to the active transportation corridors.

## **PLANNING COMMISSION DISCUSSION**

Key points discussed by the Planning Commission included the following:

- Ms. Urquiaga commented that she would prefer to continue the item to have more time for further discussion.
- Other members felt that sufficient discussion had occurred and were comfortable moving the item forward with the proposed recommendation and modifications.



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Planning Commission Chair



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Director of Community and Neighborhood Services

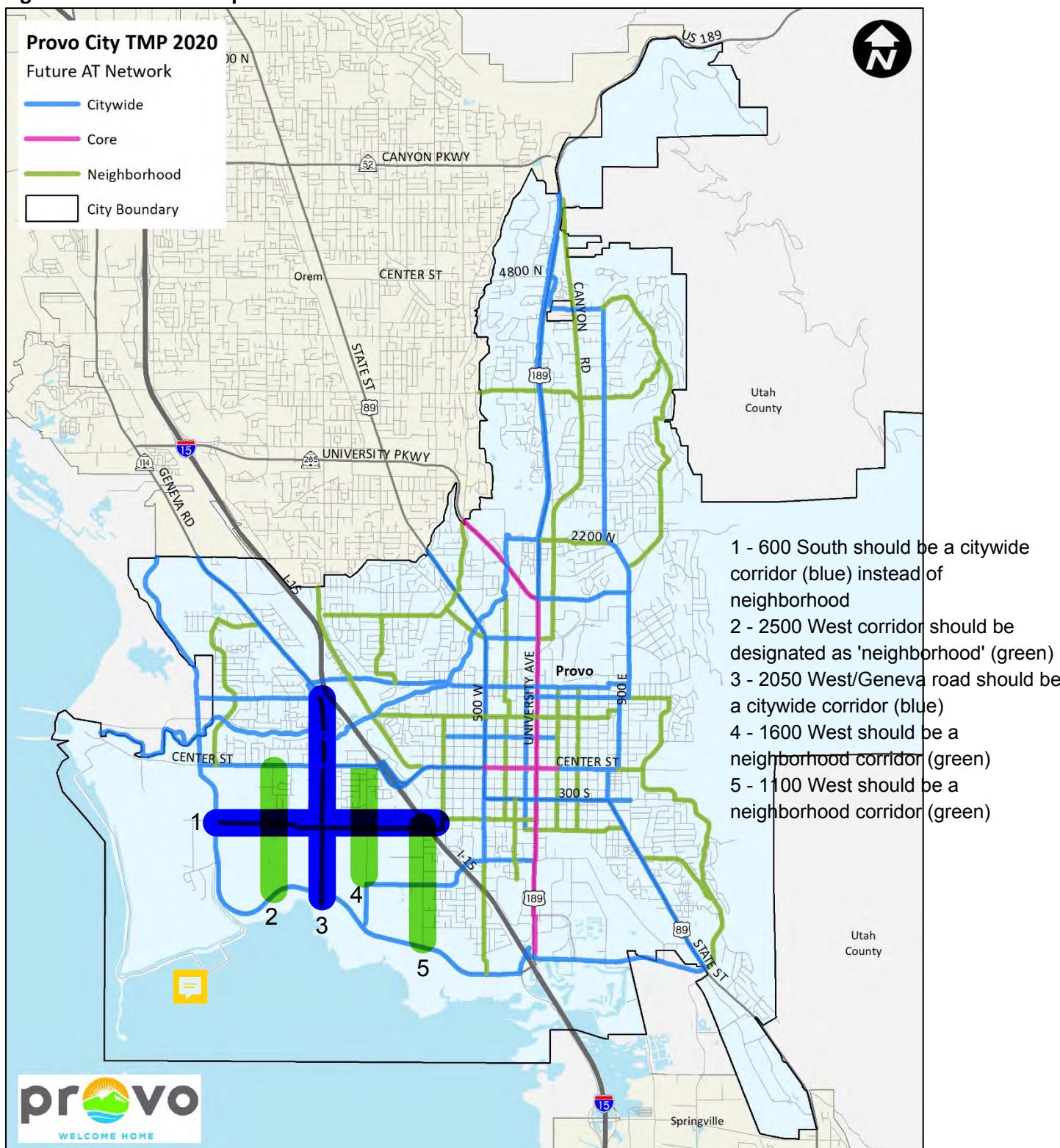
See [Key Land Use Policies of the Provo City General Plan](#), applicable [Titles of the Provo City Code](#), and the [Staff Report to the Planning Commission](#) for further detailed information. The Staff Report is a part of the record of the decision of this item. Where findings of the Planning Commission 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 Development Services 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**

Figure 5.4: Active Transportation Combined Network



The Pleasant View Neighborhood is actively involved in planning for the constantly changing development of Provo City. 2230 North is a street through a one family housing area and a apartment/condominium/medium density area in the Pleasant View neighborhood. We held a neighborhood meeting last night on the proposed language for 2230 North in this 2020 Provo City Transportation Master Plan. After 8 years of meetings with the Mountainland Association of Government, Provo City, and consultants, the neighborhood is supportive of further study to consider safety and capacity. The neighborhood is earnestly opposed to the road being converted to a 5 lane street. The plan for a 5 lane development needs to be removed from the Mountainland Association of Government Transportation Improvement Plan (TIP) and the Mountainland Association of Government TransPlan50 Regional Transportation Plan. The budget of \$3.2 million for a 2230 North project is based on a 5 lane road. The budget needs to be changed to “to be determined” or “TBD” until further study to consider safety and capacity.

First of all capacity. Making no changes on 2230 North, the year 2040 model shows no change in capacity needs. In the year 2000 Provo City Transportation Master Plan, the traffic count on 2230 North was over 20,000 vehicles per day. The use of 2230 North has decreased 15% over the past 20 years, not increased. There are some future changes that may impact capacity. First, the Church of Jesus Christ is building a temple in Orem commencing this summer on Geneva Road at the west end of University Parkway. It is thought that some traffic decrease on 2230 North will be seen in two years when patrons from Orem use the Geneva location. Second, BYU will be increasing enrollment by 500 students each year for the next 6 years. This will result in a 10% increase in students from roughly 32,000 to 35,000. We hope that this increased housing need will be met by the high density housing development envisioned for the south side of BYU campus. Third, BYU has announced a plan to build a 170,000 square foot Music Building on the corner of 1100 North and 900 East in the parking lot east of the J. Reuben Clark Law School and south of the Creamery on 9<sup>th</sup>. The new music building will include a 1000 seat performance hall. Parking for both the Law School and Music Building will be reduced to about 250 stalls losing over half of the current capacity. Furthermore, patrons of the Music Building will not be able to access the building from Cougar Boulevard on the west side but will be funneled to the north and south sides of BYU campus and universally routed onto 900 East. The traffic routing impacts and adjacent parking impacts on residential streets are of great concern and we look forward to continued discussion on solutions before the BYU Music Building Project Plan comes before the Planning Commission. Is this the right time to plan a UVX stop at the BYU Wilkinson Student Center on the round about or alternatively on 900 East as was once envisioned? Transportation Master Plans require master planning with federal, state, municipal, and private entities, and, may take some time but certainly incredible effort.

Second, safety. A traffic warrant study technically justifies a traffic light at the intersection of 2300 North and 2230 North. The same traffic conditions exist for the intersection of North Temple Drive and 900 East. I am not so certain about the warrant for the traffic light on University Parkway south of the Church of Jesus Christ Missionary Training Center at the east side of the intersection of the Marriott Center parking lot. Pedestrians, particularly school children, require safe passage across 2230 North in the vicinity of the intersection with 2300 North. A traffic light at that intersection would certainly increase safe passage for pedestrians. The neighborhood looks forward to working with Provo City Public Works on the planning for safety on 2230 North. There are areas that no street parking could be considered, particularly flanking the 2300 North/2230 North intersections and at elevation transition points on the road. The design of the intersection and the long term plans for 2230 North should be explored before Provo City invests in a traffic signal, an action that will preclude open considerations for the long term viability of the neighborhood and 2230 North as a tree lined residential area. We look forward to further discussion. We are willing and ready to work for a strong neighborhood and a strong Provo City. Thank you to Public Works and Parametrix for developing a Transportation Master Plan that will, overall, take us by walking, or bicycles, or scooters, or private vehicles, or autonomous vehicles and public transportation into a strong future.



WELCOME HOME

PLANNING COMMISSION

February 26, 2020

## ITEM 3\*



The Public Works Dept requests a General Plan  
Amendment for adoption of the 2020 Transportation  
Master Plan.

*Citywide application*

PLGPA20200038