



PROVO MUNICIPAL COUNCIL

Regular Meeting Agenda

5:30 PM, Tuesday, September 21, 2021

Hybrid meeting: [youtube.com/provocitycouncil](https://www.youtube.com/provocitycouncil) or 351 W Center Street, Provo, UT 84601

This meeting will be conducted as a hybrid meeting, with some in-person components as well as continued virtual meeting access. The meeting will be available to the public for live broadcast and on-demand viewing on YouTube and Facebook at: [youtube.com/provocitycouncil](https://www.youtube.com/provocitycouncil) and [facebook.com/provocouncil](https://www.facebook.com/provocouncil). If one platform is unavailable, please try the other. If both services are down or unavailable, after a reasonable (but short) time waiting to see if the services resume, the remainder of the meeting will be postponed to the next week, with appropriate public notice given of the rescheduled date. If you do not have access to the Internet, you can join via telephone following the instructions below. The in-person meeting will be held in the **Council Chambers**.

TO MAKE A VIRTUAL PUBLIC COMMENT:

To participate in the public comment portion(s) of the meeting, call in as an audience member as the presentation is wrapping up. Be sure to mute/silence any external audio on your end to reduce feedback (if you are viewing the live proceedings on YouTube, mute the YouTube video; you will be able to hear the meeting audio through the phone while you are on the line).

Press *9 from your phone to indicate that you would like to speak. When you are invited to speak, the meeting host will grant you speaking permission, calling on you by the last four digits of your phone number. Please begin by stating your first and last name, and city of residence for the record. After you have shared your comment, hang up. If you wish to comment on a later item, simply re-dial to rejoin the meeting for any subsequent comment period(s).

September 21 Council Meeting: Dial 346 248 7799. Enter Meeting ID 897 9020 4420 and press #. When asked for a participant ID, press #. To join via computer, visit zoom.us and enter the meeting ID and passcode: 584295.

Decorum

The Council requests that citizens help maintain the decorum of the meeting by turning off electronic devices, being respectful to the Council and others, and refraining from applauding during the proceedings of the meeting.

Opening Ceremony

Roll Call

Prayer

Pledge of Allegiance

Presentations, Proclamations, and Awards

1. Provo City Justice Court Annual Report. (21-099)

Public Comment

Fifteen minutes have been set aside for any person to express ideas, concerns, comments, or issues that are not on the agenda:

Please state your name and city of residence into the microphone.

Please limit your comments to two minutes.

State Law prohibits the Council from acting on items that do not appear on the agenda.

Action Agenda

2. Appointment of Amanda Ercanbrack as Director of Customer Service. (21-039)
3. A resolution appropriating \$400,000 for City Hall Public Art. (21-102)
4. A resolution appropriating \$39,982 in the General Fund and \$83,296 in the Energy Fund to correct elements of the fiscal year 2021–2022 budget. (21-015)
5. A resolution appropriating \$12,855 in the Economic Development Division in the General Fund for a sales tax increment post performance payment to Parkway Village. (21-097)
6. ****CONTINUED**** Consideration of an amendment to Title 15 regarding the process and requirements for appeals related to impact fees. Citywide. (PLOTA20210273)

Adjournment

Hybrid Meeting Protocol

For the past year, the Provo City Municipal Council has been meeting without an anchor location, pursuant to Utah's *Open and Public Meetings Act*, and has instead conducted all meetings online. Notwithstanding the ongoing coronavirus pandemic and Utah County's high level of coronavirus transmission, **the Municipal Council has determined to hold its meetings at an anchor location AND online**. We invite interested persons to participate:

- in the Council Chambers located at the City Center building; OR
- online by watching the live broadcasts at [youtube.com/provocitycouncil](https://www.youtube.com/provocitycouncil) and [facebook.com/provocouncil](https://www.facebook.com/provocouncil).

There will be limited seating available in the Council Chambers and we encourage attendees to maintain appropriate health protocols such as wearing masks and social distancing. Public comment may be received in person OR online (by calling in or logging onto the Zoom Webinar) which are detailed in meeting notices and agendas, and on the broadcasts. Follow the instructions provided on public notices of each meeting.

If you have a comment regarding items on the agenda, please contact Councilors at council@provo.org or using their contact information listed at: provo.org/government/city-council/meet-the-council

Materials and Agenda: agendas.provo.org

Council meetings are broadcast live and available later on demand at youtube.com/ProvoCityCouncil

To send comments to the Council or weigh in on current issues, visit OpenCityHall.provo.org.

The next Council Meeting will be held on Tuesday, October 12, 2021. The meeting will be conducted **in a hybrid format**. Work Meetings generally begin between 12 and 4 PM. Council Meetings begin at 5:30 PM. The start time for additional meetings may vary. All meeting start times are 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 at least three working days prior to the meeting. Council meetings are broadcast live and available for on demand viewing at youtube.com/ProvoCityCouncil.

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

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/ProvoCityCouncil. This meeting was noticed in compliance with Utah Code 52-4-207(4), 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. Council meeting agendas are available through the Utah Public Meeting Notice website at utah.gov/pmn, which also offers email subscriptions to notices.

PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: WAYNEP
Department: Mayor Office
Requested Meeting Date: 09-21-2021

SUBJECT: Appointment of Amanda Ercanbrack as Director of Customer Service. (21-039)

RECOMMENDATION: Requesting advice and consent to the appointment of Amanda Ercanbrack as director of the City's Customer Service Department. She will replace Karen Larsen who recently announced her retirement.

BACKGROUND: Ms. Ercanbrack began her career with the City in customer service and has also served as the Deputy City Recorder and the City Recorder.

FISCAL IMPACT: None

PRESENTER'S NAME: Mayor Michelle Kaufusi

REQUESTED DURATION OF PRESENTATION: 10 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 21-039

PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: MDAYLEY
Department: Council
Requested Meeting Date: 09-21-2021

SUBJECT: A resolution appropriating \$400,000 for City Hall Public Art. (21-102)

RECOMMENDATION: Presentation and discussion with possible appropriation.

BACKGROUND: The City Council is working on the creation of a Percent for Public Arts program, whereby a determined percentage of a total project budget is set aside for public art. Since the program is not yet adopted, the Council is considering whether to ensure sufficient funding for public art in the new City Hall project, which is expected to be completed early in 2022. As building costs have risen the project leadership cut a significant arts piece, an artistic water feature, from the project to retain sufficient contingency funds for the remaining work. Appropriating funds now for public art would meet the aims of a Percent for Arts program and would enable the proposed feature to be installed now without having to tear up the plaza later. Should the contingency fund be sufficient in the final accounting to cover this feature, it is intended that any unused funds appropriated pursuant to this action would be returned to the General Fund.

The architect and/or the project manager will participate in the presentation and discussion.

FISCAL IMPACT: \$400,000

PRESENTER'S NAME: Cliff Strachan, City Council Executive Director

REQUESTED DURATION OF PRESENTATION: 30 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 21-102

1 RESOLUTION 2021-
2

3 A RESOLUTION APPROPRIATING \$400,000 IN THE GENERAL FUND TO
4 FUND CITY HALL PUBLIC ART. (21-102)
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6 WHEREAS it is a well-accepted principle of urban design that public art contributes to a
7 community's identity, fosters community pride and a sense of belonging, and enhances the
8 quality of life for its residents and visitors, adding value to the culture, aesthetic, and vitality of a
9 community; and
10

11 WHEREAS the Municipal Council of Provo City is studying the creation of a Percent for
12 Public Arts program, whereby a determined percentage of a total project budget is set aside for
13 public art; and
14

15 WHEREAS the Mayor and Municipal Council desire sufficient funding for public art in
16 the new City Hall project, which is expected to be completed early in 2022; and
17

18 WHEREAS a significant arts piece, an artistic water feature, may be deleted from the
19 project to retain sufficient contingency funds for the remaining work to be done; and
20

21 WHEREAS the northwest corner of the new City Hall serves as a gateway to Provo's
22 historic downtown on Center Street and the proposed artistic water feature in that location will
23 contribute to the cultural aesthetic and vitality of the community and
24

25 WHEREAS on September 21, 2021, the Municipal Council met to ascertain the facts
26 regarding this matter and receive public comment, which facts and comments are found in the
27 public record of the Council's consideration; and
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29 WHEREAS all persons for and against the proposed appropriation were given an
30 opportunity to be heard; and
31

32 WHEREAS after considering the Mayor's recommendation, and facts and comments
33 presented to the Municipal Council, the Municipal Council finds the proposed appropriation
34 reasonably furthers the health, safety, and general welfare of the citizens of Provo City.
35

36 NOW, THEREFORE, be it resolved by the Municipal Council of Provo City, Utah as
37 follows:
38

39 PART I:
40

41 The Mayor is hereby authorized to appropriate \$400,000 in the General Fund, applying to
42 the fiscal year ending June 30, 2022. The Municipal Council intends that these funds be used
43 only if the public art piece(s) cannot be completed within the existing City Hall project budget.
44

45 PART II:

46

47 This resolution shall take effect immediately.

48

49 END OF RESOLUTION.

Why Public Art Matters

Cities gain value through public art – cultural, social, and economic value. Public art is a distinguishing part of our public history and our evolving culture. It reflects and reveals our society, adds meaning to our cities and uniqueness to our communities. Public art humanizes the built environment and invigorates public spaces. It provides an intersection between past, present and future, between disciplines, and between ideas. Public art is freely accessible.

Cultural Value and Community Identity

American cities and towns aspire to be places where people want to live and want to visit. Having a particular community identity, especially in terms of what our towns look like, is becoming even more important in a world where everyplace tends to look like everyplace else. Places with strong public art expressions break the trend of blandness and sameness, and give communities a stronger sense of place and identity. When we think about memorable places, we think about their icons – consider the St. Louis Arch, the totem poles of Vancouver, the heads at Easter Island. All of these were the work of creative people who captured the spirit and atmosphere of their cultural milieu. Absent public art, we would be absent our human identities.

The Artist as Contributor to Cultural Value

Public art brings artists and their creative vision into the civic decision making process. In addition to the aesthetic benefits of having works of art in public places, artists can make valuable contributions when they are included in the mix of planners, engineers, designers, elected officials, and community stakeholders who are involved in planning public spaces and amenities. Artists bring their own creative skill set to those conversations, which can also inspire creativity in others, ideally bringing the means of decisions and problem-solving to a more responsive and imaginative result. There is a public art continuum that appreciates the varied creative intentions and roles that artists may bring to a project. Artists may be invited by an official entity, a project may be artist-initiated, or work may take the form of a non-sanctioned artistic endeavor. However, artists inevitably bring personal and distinctive interpretations to each idea, site, social construct, and aesthetic potential. In this way, artists can be social and civic leaders, advocating through art for alternative perspectives that can challenge assumptions, beliefs, and community values.

Social Value and Placemaking

Public art is a reflection of its place and time. It acts as a place marker in all human settlements. Artworks like *Cloud Gate* in Chicago's Millennium Park are intertwined with our images of those cities. Transient artworks, like Christo and Jean Claude's *Running Fence* in California or the *Sultan's Elephant* in London, have become memorable moments in time, captured in picture postcards and in family photo albums. Public art activates the imagination and encourages people to pay attention and perceive more deeply the environment they occupy. Public art stimulates learning and thought about art and society, about our interconnected lives, and about the social sphere as a whole. Public art is uniquely accessible and enables people to experience art in the course of daily life, outside of museums or other cultural institutions. Public art provides everyone in the community direct and ongoing encounters with art. It engages social interaction—both during the selection process and following installation. And, an artwork can lead the viewer toward self-reflection and awareness.

Social Value and Collaboration

The effort of creating art for public space is not solitary: the public art process asks the artist to share his/her creative point of view and approach to art-making, and to collaborate with others throughout its development. In consequence, the work can reverberate throughout the community, thereby encouraging a sense of shared ownership and collective affiliation. The inclusion of artists' thinking, creative input, aesthetic contributions, and problem solving methods in the public realm engage ways of working in the built environment that are different from the approaches of practitioners of other disciplines because their concerns are different.

Economic Value and Regeneration

As has been witnessed throughout history, public art can be an essential element when a municipality wishes to progress economically and to be viable to its current and prospective citizens. Data strongly indicates that cities with an active and dynamic cultural scene are more attractive to individuals and business. Public art can be a key factor in establishing a unique and culturally active place. Public art can create civic icons, but it also can transform our playgrounds, train stations, traffic circles, hospitals, water treatment facilities, and airports into more vibrant expressions of human imagination. By building and reinforcing community culture, public art can act as a catalyst for community generation or regeneration. In this case, size does not necessarily matter. Public art can be very visible, large, permanent and unmistakable as an art experience; but it can also be very subtle, short lived or seamlessly integrated into one's experience of a place. Public art matters.

Challenges to the Field of Public Art

In order for the field of public art to stay relevant and thrive in America's rapidly changing environment, we need to actively shape its future and make the case for the value and relevance of public art. These challenges fall into two complementary and surprisingly uncomplicated questions: what to do (ideas and concepts) and how to do it ("nuts and bolts").

How to do it? Working Together

Artists, administrators and curators have so much to learn from one another, and they need to communicate more effectively. There will always be different points of view, but these are strengths and not weaknesses in a field that requires so much collaboration. For administrators and curators, the challenge is to advocate and create opportunities for artists, even while negotiating a minefield of government or institutional bureaucracies, regulations, and budgetary and other constraints, as well as community expectations. For artists, the challenge is to understand (and perhaps reconcile) the requirements, restrictions, and callings of the site with his/her ongoing creative inquiry. Open to productive discussion should be issues related to fees for services, insurance procurement, contracts, image submission, selection processes, artist training for public art, collections management, conservation and other topics of shared interest, with the understanding that standardization may not always be possible or desirable.

How to do it? Services to the Field

The PAN Council -- a 15 member elected volunteer group of artists and administrators -- tackle, debate, organize, support, undertake, create, and revise documents and services of benefit to the PAN constituency. These include the useful and unmediated ListServe, website, blog, sample contracts, best practices, consultants lists, monographs, year-in-review. Forthcoming are: mentoring programs, regional networks, webinars, and other resources for administrators, artists, and community leaders. The PAN Council welcomes ideas and suggestions for services and tools to better serve the field of public art.

What to do? Creative Collaboration

To some degree, every public art project is an interactive process involving artists, architects, administrators, design professionals, community residents, civic leaders, elected officials, approval agencies, funding agencies, and construction teams.

The challenge of this communal process is to support artists' creative involvement through cooperation, not compromise, and to create opportunities for artists to engage in the issues of our time.

What to do? Partnerships and Opportunities

Historically, public art partnerships have been fruitful sources of cultural expression and social practice, as well as catalysts for revenue and urban regeneration. Broadly speaking, partnerships can include private developers or funders, infrastructure consortia, museums and galleries, educational institutions, transportation systems or private industry. Interdisciplinary opportunities can blur boundaries among cultural-visual-performative art, design, decoration, and technology.

What to do? Education, Engagement and Evaluation

We know that learning happens when we ask questions, and public art prompts vital and primary questions about our environment and ourselves. Public art can encourage a broad range of learning opportunities, from didactic to aesthetic. Educational programs and interpretive opportunities can form the basis for evaluation methodologies that help us understand and engage our public art audiences.

Equilibrium on the edge

Public art does something that neither a public space without art nor even a museum with all its art can do: it can capture the eye and mind of someone passing through our public spaces. It can make us pay attention to our civic environment; it can encourage us to question what's around us. Much of our newly built environment lacks the resonance of history or reflection of civic ownership, which makes residents proud of where they live. Carefully conceived public art installations and environments, rich with connections to our history, the natural world or the ephemeral quality of life, help make places of meaning within a community. Art can celebrate the qualities that make one place different from another. The best of public art can challenge, delight, educate and illuminate. Most of all, public art creates a sense of civic vitality in the cities, towns and communities we inhabit and visit.

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PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: KZARBOCK
Department: Finance
Requested Meeting Date: 09-07-2021

SUBJECT: A resolution appropriating \$39,982 in the General Fund and \$83,296 in the Energy Fund to correct elements of the fiscal year 2021–2022 budget. (21-015)

RECOMMENDATION: Pass the resolution as presented

BACKGROUND: Provo has a large budget, and after reviewing it and working with various departments, we've identified a few corrections that will require an appropriation.

FISCAL IMPACT: \$123,278

PRESENTER'S NAME: John Borget, Administration Services Director

REQUESTED DURATION OF PRESENTATION: 15 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 21-015

1 RESOLUTION 2021-.

2
3 A RESOLUTION APPROPRIATING \$39,982 IN THE GENERAL FUND AND
4 \$83,296 IN THE ENERGY FUND TO CORRECT ELEMENTS OF THE
5 FISCAL YEAR 2021–2022 BUDGET. (21-015)
6

7 WHEREAS, the Municipal Council of Provo City Corporation has received a
8 recommendation from the Provo City Finance Division that \$39,982 be appropriated in the
9 General Fund and \$83,296 be appropriated in the Energy Fund to correct elements of the Fiscal
10 Year 2021-2022 budget; and
11

12 WHEREAS, on September 21, 2021, the Municipal Council met to ascertain the facts
13 regarding this matter and receive public comment, which facts and comments are found in the
14 public record of the Council’s consideration; and
15

16 WHEREAS, all persons for and against the proposed appropriation were given an
17 opportunity to be heard; and
18

19 WHEREAS, after considering the Mayor's recommendation, and facts and comments
20 presented to the Municipal Council, the Municipal Council finds the proposed appropriation
21 reasonably furthers the health, safety, and general welfare of the citizens of Provo City.
22

23 NOW, THEREFORE, be it resolved by the Municipal Council of Provo City, Utah as
24 follows:
25

26 PART I:
27

28 The Mayor is hereby authorized to appropriate \$39,982 in the General Fund and \$83,296
29 in the Energy Fund to correct elements of the Fiscal Year 2021-2022 Budget, applying to the
30 fiscal year ending June 30, 2022.
31

32 PART II:
33

34 This resolution shall take effect immediately.
35

36 END OF RESOLUTION.

FY22 Budget Corrections Needed

General Fund:

Community and Neighborhood Services

110 0706.4762	Facilities Maintenance Contracts Chargeback	9,557	Correct on Chargeback Allocations Tab, but line wasn't added in CNS budget sheet to capture the chargeback.
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General Services

110 1201.4756	Facilities Maintenance Core Chargeback	2,311	Chargeback for City Center space that was previously being used by Economic Development but currently unused.
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Fire

110 1309.4002	PT Management Analyst II	28,114	First Time 1309 has had an employee - accounts weren't in Fire budget sheet to capture amounts from payroll tab.
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General Fund Total	<u>39,982</u>
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Energy Fund:

530 2701.4109	Special Events	17,700	Entered in TM1 by Energy but missed by Finance
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530 2701.4354	Awards	15,350	Entered in TM1 by Energy but missed by Finance
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530 2708.4407	Certification and Testing	246	Entered in TM1 by Energy but missed by Finance
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530 2714.4551	Computer Replacement	50,000	Entered in TM1 by Energy but missed by Finance
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Energy Fund Total	<u>83,296</u>
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Grand Total	<u><u>123,278</u></u>
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ADMINISTRATIVE
SERVICES
TEL 801 852 6504
351 W CENTER ST
PO BOX 1849
PROVO, UT 84603

NOTICE OF PUBLIC HEARING BEFORE THE PROVO MUNICIPAL COUNCIL

Notice is hereby given that the Municipal Council of Provo, Utah will hold a public hearing on the following item during the Council Meeting that will take place on Tuesday, September 21, 2021 at 5:30 p.m. in the Council Chambers located at the Provo City Center Building, 351 West Center Street, Provo, Utah. Anyone interested is invited to attend.

Provo City Council will consider an appropriation of \$39,982 in the General Fund and \$83,296 in the Energy Fund to correct elements of the fiscal year 2021-2022 budget. The funding sources of the appropriation are General Fund balance and Energy Fund balance.

The meeting will also be available to the public for live broadcast and on-demand viewing at: [youtube.com/provocitycouncil](https://www.youtube.com/provocitycouncil). Those who would like to participate in the meeting virtually may do so via Zoom. To join the Zoom meeting, visit zoom.us/join and enter Meeting ID **897 9020 4420** and Passcode **584295**. To listen or comment via phone, dial **346-248-7799**, enter Meeting ID **897 9020 4420** and press #. Press # again for participant ID. Once connected, press *9 to indicate that you would like to comment. For more information regarding how to comment in the electronic meeting, visit agendas.provo.org and click on the meeting agenda.

Kelsey Zarbock, Budget Officer

PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: MDAYLEY
Department: Council
Requested Meeting Date: 09-21-2021

SUBJECT: A resolution appropriating \$12,855 in the Economic Development Division in the General Fund for a sales tax increment post performance payment to Parkway Village. The funding source of the appropriation is General Fund sales tax revenues. (21-097)

RECOMMENDATION: This item was heard at the September 7, 2021 City Council Work Meeting.
Council approval needed for a budget appropriation approval of \$12,855 from the General Fund.

BACKGROUND: On November 15, 2016 the Municipal Council approved a resolution authorizing the Mayor to execute an agreement between Provo City and Parkway Village LLC. The Council was presented with a request to reimburse the ownership group for certain extraordinary costs associated with the removal of an existing occupied retail pad, participation of the installation of a new traffic signal and the construction of a replacement retail pad. The reimbursement would be funded through retail sales tax increment above the established predetermined sales tax revenue actually generated by the retail center as of a certain date. The baseline revenue was established at \$136,476, which represents 1/2 of 1% of total sales generated at the center or that portion of sales tax revenue received by Provo City from the retail center, as provided by the State of Utah. Provo City will continue to receive the baseline amount of \$136,476. The developer/owner will receive an annual reimbursement against their actual out-of-pocket expenses, any additional sales tax revenue above the baseline amount of \$136,476. The term of the agreement runs for 10 years. In that time the developer/owner will be able to be reimbursed for up to 1/2 the out-of-pocket costs for the expenses. The target reimbursement amount is \$1,053,395.86, which is 1/2 of the total out-of-pocket expenses (\$2,106,791.72). As this is the second payment in the 10-year agreement (\$12,855) which represents that amount over the baseline of \$136,476, it is not likely that full reimbursement amount will be achieved.

FISCAL IMPACT:

PRESENTER'S NAME: Keith Morey, Development Services Assistant Director

REQUESTED DURATION OF PRESENTATION: 10 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 21-097

1 RESOLUTION 2021-

2
3 A RESOLUTION APPROPRIATING \$12,855 IN THE ECONOMIC
4 DEVELOPMENT DIVISION IN THE GENERAL FUND FOR A SALES TAX
5 INCREMENT POST PERFORMANCE PAYMENT TO PARKWAY VILLAGE.
6 ~~THE FUNDING SOURCE OF THE APPROPRIATION IS GENERAL FUND~~
7 ~~SALES TAX REVENUES.~~ (21-097)

Commented [BJ1]: It's fine to leave this if it's necessary, but it's not necessary to be in the short title and we don't usually put it in unless there is some compelling political reason to do so.

8
9 WHEREAS, the Municipal Council of Provo City Corporation has received a
10 recommendation from the Provo City Administration that \$12,855 be appropriated in the
11 Economic Development Division in the General Fund for a sales tax increment post performance
12 payment to Parkway Village; and

13
14 WHEREAS, the funding source for the appropriation is General Fund sales tax revenues
15 received ~~because of the performance of the store;~~ and

Commented [BJ2]: Regarding my comment above on the title, it seems particularly odd to me to put the first part of the sentence in the title, which only raises alarms, and then leave out the part that will calm them. I would either leave out the deleted text from the title or find a way to put this in too.

16
17 WHEREAS, in November 2016, Provo City entered into a sales tax increment agreement
18 with Parkway Village to offset and incentivize the removal of an existing occupied retail pad,
19 ~~participation of~~ the installation of a new traffic signal, and the construction of a replacement
20 retail pad remodel on their property located in Provo; and

21
22 WHEREAS, on September 21, 2021, the Municipal Council met to ascertain the facts
23 regarding this matter and receive public comment, which facts and comments are found in the
24 public record of the Council's consideration; and

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

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

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

35
36 PART I:

37
38 The Mayor is hereby authorized to appropriate \$12,855 in the Economic Development
39 Division in the General Fund for a sales tax increment post performance payment to Parkway
40 VillageDay's Market, applying to the fiscal year ending June 30, 2022.

41
42 PART II:

43
44 This resolution shall take effect immediately.
45

46 END OF RESOLUTION.



ADMINISTRATIVE
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PROVO, UT 84603

NOTICE OF PUBLIC HEARING BEFORE THE PROVO MUNICIPAL COUNCIL

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Provo City Council will consider an appropriation of \$12,855 in the General Fund for a sales tax increment post performance payment to Parkway Village. The funding source of the appropriation is General Fund sales tax revenues.

The meeting will also be available to the public for live broadcast and on-demand viewing at: [youtube.com/provocitycouncil](https://www.youtube.com/provocitycouncil). Those who would like to participate in the meeting virtually may do so via Zoom. To join the Zoom meeting, visit zoom.us/join and enter Meeting ID **897 9020 4420** and Passcode **584295**. To listen or comment via phone, dial **346-248-7799**, enter Meeting ID **897 9020 4420** and press #. Press # again for participant ID. Once connected, press *9 to indicate that you would like to comment. For more information regarding how to comment in the electronic meeting, visit agendas.provo.org and click on the meeting agenda.

Kelsey Zarbock, Budget Officer

MEMORANDUM

September 1, 2021

TO: Provo City Planning Commission

FROM: Bill Peperone, Development Services

SUBJECT: Planning Commission Agenda, Item 2 - Amendments to Title 15 Review and Approval Process

Recently, it was realized that the Provo City Code has no criteria under which an appeal of impact fees may be heard. The following amendments are intended to clarify this deficiency. This is the beginning of an amendment process the staff would like to pursue. It is the recommendation of staff that the Planning Commission continue this item while the staff works on additional details.

Amendment to Title 15 regarding the process and requirements for appeals related to impact fees.

Amend 15.08.090 (Impact Fee Adjustment) to outline (1) the process for a developer to request a credit against an impact fee or an adjustment to an impact fee from a department and from the Mayor, (2) the kinds of studies and data considered acceptable to support such a request, (3) the standard for review, and (4) the criteria for a department or the Mayor to grant an adjustment to the fees.

Amend 15.08.100 (Administrative Challenges and Appeals Procedure) to distinguish between the procedure for (a) filing a challenge to an impact fee and (b) the procedure for requesting an impact fee adjustment, and clarifying the appeal rights for each.

Amend Chapter 15.08 as otherwise needed to implement the above changes.