

1                   **PROCEEDINGS OF THE MUNICIPAL COUNCIL MEETING**  
2   **MAY 3, 2011**

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4                   **THE MUNICIPAL COUNCIL MET AS A COUNCIL OF THE WHOLE ON MAY 3, 2011,**  
5                   **AT 7:15 P.M. IN THE COUNCIL CHAMBERS, PROVO CITY CENTER, PROVO, UTAH.**

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7                   THE FOLLOWING MEMBERS OF THE COUNCIL AND ADMINISTRATION WERE PRESENT:

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9                   Council Member Rick Healey                   Council Member Steve Turley  
10                  Council Member Midge Johnson              Council Member Cynthia Dayton  
11                  Council Member Sherrie Hall Everett        Council Member Sterling Beck  
12                  John R. Curtis, Mayor                         Wayne Parker, CAO  
13                  Brian Jones, Assistant City Attorney        Matthew Taylor, Executive Director  
14                  Janene Weiss, City Recorder

15  
16                  CONDUCTING: Chair Rick Healey

17  
18                  ABSENT: Laura Cabanilla (Military Duty)

19  
20                  OPENING CEREMONIES

21  
22                  INVOCATION: Gunnar Legas, Troop 797

23  
24                  PLEDGE OF ALLEGIANCE: Cooper Legas, Troop 797

25  
26                  APPROVAL OF MINUTES

27  
28                  Council Member Johnson moved to approve the minutes of the April 5, 2011 meeting; an action  
29                  seconded by Council Member Dayton, and approved 5:0, with Chair Healey abstaining (he was not in  
30                  attendance at the meeting).

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32                  Council Member Hall Everett moved to approve the minutes of the April 19, 2011 meeting; an  
33                  action seconded by Council Member Johnson, and approved 6:0.

34  
35                  AWARDS, PROCLAMATIONS AND PRESENTATIONS

36  
37                  **Proclamation declaring May as Community Action Month – Mayor Curtis.**

38  
39                  Mayor Curtis introduced Myla Dutton, Executive Director of Community Action Agency of Utah  
40                  County, an agency that provides assistance to those in need in the valley. He thanked her for the work that  
41                  she does and the service she provides the community. Mayor Curtis read a proclamation declaring May as  
42                  Community Action Month (proclamation attached to permanent minutes).

43  
44                  PUBLIC COMMENTS

45  
46                  Lauren Olson, Provo, was driving over the viaduct on the way to the meeting tonight and saw a  
47                  young man texting while he was driving and felt it was extremely dangerous. She encouraged the city to  
48                  promote a campaign against texting while driving.

49  
50                  Diane Christensen, Provo, attended the work session earlier in the day and was surprised to hear  
51                  about a proposed change in policy for keeping records of minutes. She felt abbreviated minutes and using

52 electronic recordings as the permanent archive is problematic. Records should last forever and a recording  
53 might not be accessible years down the road because technology changes. She had tried to access a record  
54 from another city in which the minutes were not detailed and an audio recording was not available. In this  
55 case, the electronic record is gone and the written record is not adequate. She asked the council to reconsider  
56 their proposal.

57  
58 Lindsay Wiblin, Provo, has heard about issues relating to the upcoming election and is concerned  
59 about some of them. He did not feel the city should play politics with issues, especially when the outcome of  
60 those issues might have an effect on the election. He said there are members of the council that have not yet  
61 made a decision to run again in the next election and has heard that some are basing their decision on the  
62 availability of good medical benefits. He would not like someone to stay on the council so their medical  
63 needs are taken care of, as opposed to the needs of the City of Provo.

64  
65 There were no more public comments.

66  
67 **CONSENT AGENDA**

68  
69 **1. A PUBLIC HEARING REGARDING A RESOLUTION APPROPRIATING \$384,740 IN**  
70 **VARIOUS FUNDS FOR EXPENSES RELATING TO THE CONVENTION CENTER**  
71 **DEVELOPMENT FEES AND APPLYING TO THE FISCAL YEAR ENDING JUNE 30, 2011.**

72  
73 **2. A PUBLIC HEARING TO CONSIDER A RESOLUTION CHANGING THE PROVO CITY**  
74 **GENERAL PLAN LAND USE DESIGNATION OF APPROXIMATELY 9.85 ACRES OF REAL**  
75 **PROPERTY LOCATED GENERALLY AT 589 NORTH LAKESHORE DRIVE FROM**  
76 **RESIDENTIAL TO AGRICULTURAL.**

77  
78 **3. A RESOLUTION AMENDING THE PROVO CITY GENERAL PLAN LAND USE POLICIES**  
79 **FOR THE SOUTHEAST AREA AND THE PROVOST SOUTH NEIGHBORHOOD FOR REAL**  
80 **PROPERTY LOCATED GENERALLY ALONG THE MOUNTAINSIDE FROM 300 NORTH TO**  
81 **1400 SOUTH.**

82  
83 Chair Healey introduced the consent agenda and requested that item #3 be removed.

84  
85 There was no response to the request for public comment for items #1 and #2 on the consent agenda

86  
87 Council Member Turley moved to approve items #1 and #2 on the consent agenda; an action  
88 seconded by Council Member Hall Everett, and approved 6:0.

89  
90 **RESOLUTION 2011-35**

91  
92 A RESOLUTION APPROPRIATING \$384,740 IN VARIOUS FUNDS FOR EXPENSES  
93 RELATING TO THE CONVENTION CENTER DEVELOPMENT FEES AND  
94 APPLYING TO THE FISCAL YEAR ENDING JUNE 30, 2011.

95  
96 **RESOLUTION 2011-36**

97  
98 A RESOLUTION CHANGING THE PROVO CITY GENERAL PLAN LAND USE  
99 DESIGNATION OF APPROXIMATELY 9.85 ACRES OF REAL PROPERTY LOCATED  
100 GENERALLY AT 589 NORTH LAKESHORE DRIVE FROM RESIDENTIAL TO  
101 AGRICULTURAL.

102  
103 Council Member Turley recused himself and left the dais at 7:44 p.m.

104 Chair Healey introduced item #3 and invited public comment. There was no response.

105  
106 Council Member Johnson moved to adopt the resolution; an action seconded by Council  
107 Member Hall Everett, and passed 5:0, with Council Member Turley abstaining.

108  
109 RESOLUTION 2011- 37

110  
111 A RESOLUTION AMENDING THE PROVO CITY GENERAL PLAN LAND USE  
112 POLICIES FOR THE SOUTHEAST AREA AND THE PROVOST SOUTH  
113 NEIGHBORHOOD FOR REAL PROPERTY LOCATED GENERALLY ALONG THE  
114 MOUNTAINSIDE FROM 300 NORTH TO 1400 SOUTH.

115  
116 ACTION AGENDA

117  
118 **4. A RESOLUTION ADOPTING A TENTATIVE BUDGET FOR PROVO CITY CORPORATION**  
119 **FOR THE FISCAL YEAR BEGINNING JULY 1, 2011 AND ENDING JUNE 30, 2012.**

120  
121 Chair Healey introduced the resolution and invited Mayor Curtis to respond. Steve Turley returned  
122 to the dais at 7:49.

123  
124 Mayor Curtis said the council and city administration had held six full-day retreats during the past  
125 few months to discuss the budget. As required by law, the council has been presented with a balanced  
126 budget. This year's budget was challenging but there have been trends that are encouraging. Revenues have  
127 not only flattened out, but have gone up a little bit. This has allowed the city to reinstate employee  
128 compensation increases, which had been frozen for three years. The budget process is a combined effort of  
129 the council, administration, city employees, and Provo residents. Employee teams were created and found  
130 hundreds of thousands of additional cost savings above the \$5 million that had been cut last year.

131  
132 The proposed budget was reviewed in detail during the study meeting earlier in the day. John  
133 Borget, Administrative Services Director, was invited to answer any questions from the council. In response  
134 to Ms. Hall Everett, Mr. Borget said the proposed budget for FY 2012 is \$153,726,464.

135  
136 In response to a question from Mr. Beck, Ms. Roy said the final budget needs to be adopted by June  
137 22, 2011. She is not aware of a deadline to adopt a tentative budget. Mr. Beck clarified that the action  
138 tonight is adopting a tentative budget; the council will have over a month to review the proposal and adjust  
139 the budget as needed. Mr. Parker said the action tonight forms the basis for future public hearings.

140  
141 Mr. Taylor said the Council Appropriations Committee and council staff would be looking in detail  
142 at the proposed budget. They will coordinate with department heads and prepare an executive summary to  
143 be presented to the council during retreats held in May. The executive summary will identify various issues  
144 in the budget and how they work with the intent statements adopted by the council.

145  
146 Ms. Hall Everett, chair of the Council Appropriations Committee, said there had been a substantial  
147 amount of work to create a budget that would respond to the favorable conditions throughout the city. The  
148 council needs to look at additional needs in the city. They need to look at timing and prioritization of those  
149 needs and whether there should be adjustments in the budget to fund those needs.

150  
151 Chair Healey said the budget retreats organized by the Finance Department, have helped the council  
152 get the answers they need.

153  
154 Council Member Hall Everett moved to adopt the tentative budget; an action seconded by Council  
155 Member Johnson, and approved 6:0.

156 Mr. Borget said the budget documents would be available on the provo.org website. A hard copy  
157 will also be available in the Finance Department, at the Provo City Library, and in the City Recorder's  
158 office.

159  
160 Ms. Hall Everett requested the budget intent statements be posted also. Mr. Beck also asked that a  
161 feedback form be provided for the public to use to respond with their suggestions or concerns.

162  
163 Chair Healey said the motion to approve the resolution is also setting the public hearings for  
164 adopting a budget, which will be held June 7 and June 14, 2011. Mr. Turley said if there is a Truth in  
165 Taxation Hearing, considering an increase in property taxes, the final budget approval would be pushed back  
166 two months.

167  
168 RESOLUTION 2011-38

169  
170 A RESOLUTION ADOPTING A TENTATIVE BUDGET FOR PROVO CITY  
171 CORPORATION FOR THE FISCAL YEAR BEGINNING JULY 1, 2011 AND ENDING  
172 JUNE 30, 2012.

173  
174 **5. A PUBLIC HEARING TO CONSIDER A RESOLUTION AMENDING THE PROVO CITY**  
175 **GENERAL PLAN MAP 8.1 MAJOR AND LOCAL STREETS PLAN TO REMOVE A PROPOSED**  
176 **COLLECTOR ROAD LOCATED GENERALLY AT SEVEN PEAKS BOULEVARD BETWEEN**  
177 **CENTER STREET AND 300 SOUTH.**

178  
179 Dave Graves, Deputy Public Works Director/City Engineer, responded. This resolution, requested  
180 by residents in the neighborhood, would remove a proposed collector road from the transportation master  
181 plan. The road has been on the master plan since the early 1970's. Based on development in the area, the  
182 location has changed over the years; however, this is typical of what usually happens with road alignments.  
183 The road was defined in 1998 in an agreement with the Utah State Hospital. One of the challenges the city  
184 would face is bringing additional lanes into an intersection. Since 700 East Center Street has a roundabout it  
185 will make the connection a little less complicated, will not have stop signs, and will help reduce speeds.

186  
187 The road would consist of a travel lane in each direction, a bike lane in each direction, shoulders on  
188 both sides of the road, a planter strip on one side of the road with a six foot sidewalk, and concrete fences on  
189 both sides of the roadway. Mr. Graves said they have met many times with the neighbors and questions  
190 were raised concerning this road. Mr. Graves provided the following explanations in response to those  
191 questions:

- 192 • This road was not on a Mountainland Association of Governments map in 2006 because they only  
193 show roads that are regionally significant. This road does not meet the criteria for that designation.
- 194 • This project is being completed in cooperation with the Central Utah pipe project. If the road is not  
195 put in at this time, there would be approximately \$125,000 to \$150,000 in street improvements for  
196 curb, gutter, and sidewalks that we would lose.
- 197 • It is a good time to build the road because there is a favorable bidding climate with up to 15-25%  
198 discounts on project estimates. If they do not build the road now it could take years to put the  
199 funding together for this project and inflation might affect the construction costs. The property  
200 would need to be maintained until something is done.
- 201 • A significant amount of effort has been made with the State of Utah to find other corridors through  
202 the property. The State has indicated that the corridor identified in 1998 works with their future  
203 campus master plan for the State Hospital property.
- 204 • Building the road east of the hospital and water park is not possible. Property to the east of the State  
205 Hospital is Forest Service property. East of the Forest Service property is steep mountain side which  
206 would be difficult to put a road through without scarring. The land east of the water park was  
207 donated to Provo City to be used specifically for a park. If the land is not used for a park it would

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- The travel demand model indicates the road is necessary in order to serve future demands in the area. Growth projections used to determine if a road is necessary, include population, employment base, and households.
  - The plan does not see any failures on 900 East through the next 30 year time period. There are times when 900 East is busy but it is still within the parameters established.
  - Funding source for the road would be an advance loan from the Central Utah Water Conservancy District. The loan would be interest free and run for three years from the finish date of the project. Repayment would come from B&C road funds or from traffic impact fees.
  - The concrete fences will be installed regardless of whether a road is put in. The CUWCD is paying the entire cost of the six foot fence on one side of the road and the state will be putting in the eight foot fence along their property on the other side of the road.
  - The preliminary layout for the project, which includes two roundabouts and two sharp 90° turns, was designed by Provo City staff. The layout and design followed city ordinances and American Association of State Highway and Transportation Officials (AASHTO) guidelines.
  - They could put the bike paths and sidewalks in now and the road when it is necessary, but the construction costs would be increased. Enforcement and patrol would be difficult without a road.
  - If the road is not built, 300 South would need to be widened in order to accommodate projected traffic and a bike path. The cost would be between \$1.4 and \$1.6 million. One of the significant impacts would be the sidewalks would be close to the homes on 300 South. Another option would be to remove parking from 300 South in order to put in bike lanes. They would connect with the bike lanes on Slate Canyon Drive, Center Street, and Seven Peaks Blvd.

231 Ms. Dayton asked how often a road is changed on the Transportation Master Plan. Mr. Graves said  
232 the specific location for a roadway is defined as the property is developed. In this case, the city negotiated  
233 with the state for land through the hospital property and the road was defined in 1998. The CUWCD based  
234 the alignment of their pipeline on the location of our proposed roadway.  
235

236 Ms. Dayton asked about roadway thresholds. Mr. Graves said the threshold limits were identified by  
237 the council in Transportation Master Plan adopted in 2000, using environmental thresholds. He is not aware  
238 of many cities that have assigned environmental thresholds, the more common determination is capacity,  
239 how many cars they can put on a roadway. Provo City did not feel comfortable with the capacity standards  
240 because they could be as high as 2,000 cars per hour per lane. The city wanted to preserve neighborhood  
241 characteristics through local areas of the city.  
242

243 Thresholds on two-lane collector streets are up to 7,000 cars per day. On our local streets the  
244 threshold volume is 1400 to 1800 cars per day, and they don't feel comfortable exceeding that. Currently,  
245 300 South carries between 2,000 and 3,000 cars per day; which is below the collector street threshold, but  
246 well above the local street threshold. Even though 300 South is designated as a collector street, it is designed  
247 more like a local street.  
248

249 In response to Ms. Dayton, Mr. Graves said it would cost about \$1.5 million to put the road in as  
250 designed (the section between Center Street and 300 South). Collector roads are resurfaced every 7-9 years  
251 and cost less than 1/10 of the construction cost. Annual maintenance would include snow plowing and street  
252 sweeping. He did not know the costs of those services.  
253

254 In reference to building bike lanes, Ms. Dayton asked how many bicycles go through the area. Mr.  
255 Graves said they are building the roads to utilize all types of transportations. Provo City has a fairly active  
256 bicycle community. He did not have the numbers, but felt there would be a number of bicyclists on the roads  
257 where bike lanes are available.  
258  
259

260 Ms. Dayton felt the real traffic congestion happens on 900 East north of Center Street. From a  
261 traffic or financial viewpoint, she did not feel the road made sense south of Center Street. Mr. Graves said  
262 there are roadways available east of 900 East all along that road. There are no other options between Center  
263 Street and 300 South other than the proposed roadway. There are twelve to fifteen homes that would be  
264 affected by this road. There could be another 100 more homes in the Aspen Summit Development at the top  
265 of Slate Canyon Drive that would utilize this road.  
266

267 Ryan Hales, Hales Engineering, evaluated the corridor and found that some of the traffic on 300  
268 South would dissipate and use the new corridor. Under current conditions, 300 South is carrying about  
269 4,000 cars per day. If the road is built, he estimated traffic in year 2040 would be between 1,000 and 2,000  
270 cars per day on 300 South and about 6,000 cars per day on the new road. Without the new road, 300 South  
271 would end up with around 8,000 cars per day; which is more than 300 South could accommodate.  
272

273 Ms. Johnson said the Slate Canyon Master Plan, which includes Buckley Draw, is for single family  
274 homes and people going north might take the new road. The proposed road would be part of the connection  
275 through the north end of Seven Peaks up onto 1450 East.  
276

277 Jade Koyle, one of the applicants requesting the removal of the road was invited to comment. In  
278 response to Mr. Koyle, Mr. Graves said the alignment established in 1998 is the same alignment that is there  
279 today. The master street plan map shows connection points and not exact alignment. In this case, the  
280 alignment was defined because of the purchase agreement with the State. Mr. Koyle said the residents were  
281 frustrated because their homes were purchased based on the alignment of the road before 1998 and they were  
282 not aware of the proposed alignment until May of 2010. During the Planning Commission meeting on  
283 March 23, 2011, the motion suggested considering a different alignment of the road. Mr. Koyle said the  
284 Planning Commission felt the road, as it is proposed, was accomplishing the purposes but was not well  
285 designed.  
286

287 Mr. Koyle said the residents became aware of the alignment of the road in May of 2010 when the  
288 City picked up the option on the property. The neighborhood became involved at that time in trying to  
289 make an amendment to the master plan. They understand there is a need for a road through this area at some  
290 point but people built their homes, and made improvements based on the old road alignment. Mr. Koyle has  
291 petitions signed by about 125 residents in the neighborhood and their comments are based on the new road  
292 design, not the original master plan road. The design as it is today is not in the best interest of the city.  
293 Residents in the area are recommending that the City delay construction of the road and work with the State  
294 Hospital and the LDS Church to consider a different alignment.  
295

296 Ms. Johnson had forwarded a question to Mr. Graves asking if they had exhausted all other avenues.  
297 Connectivity is important but could they work on a better alignment. Mr. Graves said they have made every  
298 effort to accommodate a different kind of alignment. The roadway curves are identical to those on Slate  
299 Canyon Drive and 300 South. They are consistent with collector street standards and help keep the speed  
300 limits lower.  
301

302 Ms. Johnson said the city has tried to negotiate with the hospital, she asked Mr. Koyle what solution  
303 he would offer. Mr. Koyle said the State Hospital has plans to build on their property but he did not think it  
304 would change their plans much to allow for a little more roadway through their property. He said they could  
305 go through the same process with the State of Utah as they did with Provo City. Mr. Graves said they have  
306 tried to move the road more to the east and away from the residential areas, but the State said they have  
307 given what they can give. The City is in a unique position because we cannot exercise eminent domain over  
308 the State of Utah. He said the State tried to work with Provo City as much as they could and still accomplish  
309 their plan.  
310

311 Mr. Koyle said the LDS church has an interest in expanding one of their lots in the area. He felt they

312 could get the church, the residents and the city involved in the discussion with the State. The road does not  
313 have to be put in this summer; they have time to work out the problems.

314  
315 In response to Chair Healey, Mr. Graves said they have had discussions with the LDS church  
316 because the city owns some property the church is interested in purchasing on the north end of 300 South  
317 1350 East. There are also some residential properties to the west that have expressed an interest in the city  
318 property. Mr. Graves said the city needs to determine what is in the best interest of the city. The property  
319 does not affect the alignment of the road. Mr. Koyle said if the alignment of the road changes it would give  
320 the LDS church more options for purchasing property from the State.

321  
322 Ms. Johnson said if the City were able to purchase more property, what would happen to the  
323 property between the back of their homes and where the road would be built. Mr. Koyle said it would stay  
324 the same as it is now, with grass, trees, and animals. Ms. Johnson asked who would maintain that property.  
325 Mr. Graves said the initial thought is the residents might want more property. If not, the city would need to  
326 maintain it.

327  
328 Ms. Dayton said in thirty years this road will be needed. The homes along 300 South would be  
329 around 90 years old. The homes in the affected residents would be the same, about 90 years old. She felt the  
330 homes would have out-lived their longevity by the time the road is at its usage level. She wondered where  
331 the redevelopment would occur in that area and how they are affecting that by where we are putting the  
332 roads in. She said it sounds like the city is talking about redevelopment in the area, not development. She  
333 wants to know if it is imperative to put the road in right now with the current traffic loads, the age of the  
334 homes, and what is expected in that area.

335  
336 Chair Healey wanted to clarify the voting process. He said the roadway is already in place on the  
337 Transportation Master Plan. This resolution is taking the road off the plan. If someone votes to approve the  
338 resolution, they are voting to take the road off the master plan. If they vote no, they are voting to keep the  
339 road on the master plan.

340  
341 Mr. Beck said under Part I of the resolution, it states the major and local street plan map is amended  
342 as shown in Exhibit A, which is blank. Mr. Taylor said Exhibit A would be a redrawn Transportation Master  
343 Plan without the proposed road and it does not exist yet. It would be drawn up if the resolution is approved.

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345  
346 Chair Healey invited public comment. Diane Christensen, Provost Neighborhood Chair, said the  
347 neighborhood is unified on this issue. Since there was not a neighborhood meeting where the residents voted  
348 on this issue, she is not representing the neighborhood, but is speaking personally to advocate for the  
349 neighbors. She said the assumption the road is needed now is based on uncertain growth projections and the  
350 assumption the hospital property to the north will not be available. The traffic flow through that area is  
351 brisk, but not unacceptable, and is not gridlocked. She requested the council consider the neighbors, keep an  
352 open mind, and wait for ten years to see if the road will be needed.

353  
354 Gove Allen, Provo, was struck by the idea the City had a road on the master plan they could not put  
355 in unless the State of Utah gave permission. He felt the city should look ahead for other situations so we do  
356 not find ourselves dictated to by a property owner. Mr. Allen said he supports the neighbors who felt they  
357 were treated unfairly. He said the process had been bad for forty years.

358  
359 Brian Hunt, Provo, lives in the area on 230 South. He supports the option of delaying construction  
360 of the road until other options can be look at. He did not feel this road was a good option because it only  
361 connects a few neighborhoods. It does not take anyone to the freeway, shopping, etc. He said people are not  
362 going to exit 300 South and take a "snake curved" road to Center Street. He questioned whether the road  
363 would actually take some of the cars off 300 South. He said it would make a great bike path but we do not

364 want to spend that much on a bike path. He asked the council to consider all the issues and options before  
365 they make a decision.  
366

367 Ms. Hall Everett said if the road is removed, all efforts toward corridor preservation are back to  
368 ground zero. In response, Mr. Graves said if the road is removed there would be no effort by the city to  
369 advance it as an option on the master plan. The property, which had been purchased, would sit undeveloped  
370 or would be surplus. If the road is not built, the city would need to repay gas tax money that was used to  
371 help purchase the property. He did not anticipate the state wanting to purchase the land.  
372

373 In response to Ms. Johnson, Mr. Graves said the hospital will still put up their eight foot fence. The  
374 six foot fence will be constructed by the CUWCD because the contract had been signed. There will then be  
375 an area between the two fences that will need to be maintained by the city. The contract for the fence was  
376 part of the contract with CUP pipeline project, the city is not building it or constructing it. We would not  
377 lose the gas tax money if the road stays on the master plan.  
378

379 Roger Brown, Provo, asked what data was counted in the traffic demand model and did it include  
380 traffic going into and out of intersections. He felt it should be isolated to get a better estimate. Mr. Brown  
381 asked if the \$1.5 mill for the road is in the proposed budget or is the city going to borrow the funds. Chair  
382 Healey said the funds are already set aside in the CIP budget.  
383

384 In response to Mr. Brown, Mr. Graves said the traffic demand model is based on land use,  
385 households, and population. They also post counters on roadways.  
386

387 Colleen Hawkins said she lived on 230 South and counted cars and there were just fewer than 3,000  
388 cars during a 24 hours period. She had a hard time believing that in 2040 there would be 6,000 cars per day.  
389

390 Sherry Spencer, Provo, appreciated the discussion that was taking place. She has watched  
391 discussions that go outside the topic and a creative solution had been developed.  
392

393 Ms. Dayton asked if it was possible to keep the road on the master plan so we don't lose the gas tax  
394 dollars, but monitor 300 South and, when it meets its thresholds, we could build the new road. Mr. Graves  
395 said the only difference is the opportunity costs and savings we would lose if we don't build now. At some  
396 point, CUWCD will complete the pipeline installation in the area and will move on. They will not go back  
397 into the area and make the intersection improvements needed for the new road.  
398

399 Chair Healey clarified that 300 South is considered a collector road, but is actually designed as a  
400 local road. The threshold for a local road is 1,400 to 1,800 cars per day. If 300 South has 3,000 cars per day  
401 it would be twice as much as the road is designed for. Mr. Graves said they receive a lot of complaints about  
402 speeding from people that live in that area.  
403

404 Council Member Beck moved to approve the resolution; there was no second so the motion died.  
405

406 Council Member Hall Everett moved to deny the resolution; an action seconded by Council Member  
407 Turley.  
408

409 Council Member Dayton made a substitute motion to maintain the road as shown on the master plan,  
410 but delay the construction until there had been sufficient discussion concerning the neighborhoods options  
411 (up to six months), at which point the council will make its final vote. Council Member Beck seconded the  
412 motion.  
413

414 Ms. Johnson questioned the six month waiting period. By the end of six months, it would be winter  
415 and CUP personnel might not be able to do the work at that time.

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Mr. Turley said there are many complexities to this issue. However, the decision is only about whether we need to maintain connectivity in the general plan. There had been, and will be, many opportunities to talk about road design, funding, and priorities, etc. The vote tonight is to maintain the dotted line on the master plan and maintain the continuity.

Council Member Johnson made a substitute motion to keep the road on the master plan but work closely with the neighbors to mitigate the impact of the road on their property. Council Member Hall Everett seconded the motion, which failed 3:3 with Council Members Hall Everett, Turley, and Johnson in favor, and Council Members Beck, Dayton, and Healey opposed.

Chair Healey called for a vote on Council Member Dayton’s substitute motion to keep the road on the master plan but delay the construction for six months. The motion failed 2:4 with Council Members Beck and Dayton in favor, and Council Members Hall Everett, Turley, Healey, and Johnson opposed.

Chair Healey called for a vote on the original motion by Council Member Hall Everett, to deny the resolution requesting an amendment to remove the road from the master plan. The motion passed 4:2 with Council Members Hall Everett, Healey, Turley, and Johnson in favor, and Council Members Dayton and Beck opposed.

**6. A PUBLIC HEARING TO CONSIDER A RESOLUTION AMENDING SECTION 1 (INTRODUCTION), SECTION 5 (EXISTING CONDITIONS), AND SECTION 6 (IMPROVEMENT PROGRAM) OF THE EXISTING TRANSPORTATION MASTER PLAN FOR THE CITY OF PROVO, UTAH, AND AMENDING THE PROVO CITY GENERAL PLAN TO INCLUDE THE TRANSPORTATION MASTER PLAN AS PART OF THE TRANSPORTATION SECTION OF THE GENERAL PLAN.**

Dave Graves presented. This is an amendment to the existing Master Plan. The map associated with the master plan had been revised and reflects the changes discussed in the council work sessions and study meeting.

Ryan Hales, Hales Engineering, said they looked at all modes of transportation, including mass transit, bicycles, pedestrians, and vehicles. The object is to determine the best way to move people through the city. They met with UDOT, UTA, MAG, and with neighborhood groups. This map is a culmination of those meetings to determine future roadway functional classifications.

The areas to be amended include:

- Extending a collector roadway along 1390 North to the Northwest Connector,
- Extending 2530 West further to the south to connect with the West Side Connector,
- A connection road from East Bay Blvd that loops around the Novell property, and
- Adding additional roads in the Ironton area.

Mr. Turley said there had been a lot of talk about connectivity on the east side of Provo and yet there is a gap on the road in the Rock Canyon Park area. In response, Mr. Graves said a collector road through the park was removed from the master plan 10-15 years ago. He said there were still adequate collector roads in the area without having to go through the Rock Canyon Park.

Ms. Dayton noticed a dotted section of road on Foothill Drive between 2950 North and 3700 North. Mr. Graves said it is a section of Foothill Drive that has been on the master plan for several years. It runs through the Roney property and is not constructed yet.

Mr. Taylor said the resolution before the council is an amendment to the existing master plan, which

468 was adopted in 2000. This resolution replaces three sections, not the entire master plan.

469  
470 Mr. Beck said he would be making a motion to continue this item for two weeks to consider the  
471 plan. He said during the study session Ms. Dayton pointed out a number of roads that were of concern to her.  
472 Even though Ms. Dayton's questions were answered, he felt it would benefit the council to be involved in  
473 the process and to get it right.

474  
475 Chair Healey invited public comment. Ron Phillips, a resident of west Provo, said there are a lot of  
476 people opposed to the Northwest Collector. He said they were under the impression the three public  
477 meetings to be held in their neighborhoods with Mayor Curtis would be completed before this issue was  
478 presented to the council. The description of this item on the agenda was convoluted and not very  
479 understandable to the average person. He felt there were a lot of people that would have been there if they  
480 understood this item was going to be discussed before the meetings were concluded.

481  
482 Mayor Curtis said they were extremely clear in the first meeting that the purpose of those three  
483 meetings was not to discuss the viability of the Northwest Connector. They explained the process the  
484 residents needed to go through if they wanted to take the Northwest Connector off the master plan. The  
485 purpose of the three meetings was to discuss the west side. They were also very clear that meetings would  
486 be coming up where the residents would have an opportunity to impact the design of the Northwest  
487 Connector.

488  
489 Chair Healey agreed with Mayor Curtis saying the residents have an opportunity to present an  
490 amendment to remove the road from the master plan, even if this resolution tonight is passed.

491  
492 Mr. Beck said when the Planning Commission made their recommendation on this map there was  
493 more than 2 ½ hours of public comment regarding this matter. He said other residents may be under the  
494 same impression that there should be better notice prior to taking action on the item.

495  
496 Mr. Phillips said he had shared his concerns with the council in written form, by email. The  
497 Northwest Connector would be, in his opinion as a former transportation director and City Manager, an  
498 unnecessary road. There is no destination on the northwest end for this road. This road would dump traffic  
499 on Geneva Road at 2000 North, which already has enough traffic. The Mountainland Association of  
500 Governments (MAG) traffic modeling indicates this road would only generate enough traffic to qualify as a  
501 collector road.

502  
503 In response to Chair Healey, Mr. Graves said there is an adopted Master Street Plan Map, which  
504 already includes the Northwest Connector. The roads that are affected by the amendment this evening are  
505 the four indicated by Mr. Hales. There is not a proposal to remove any roads from the current map on the  
506 agenda this evening. The action tonight would have no affect on the Northwest Connector.

507  
508 Mr. Phillips directed his comments to the road extending 3900 North to connect with the Northwest  
509 Connector. He said 1390 North goes by the Lakeview Elementary school and the residents have objected to  
510 that being a collector street. He would object to it being connected to an arterial street that would increase  
511 traffic past the elementary school.

512  
513 Laura Nelson, Provo, felt the amendment would have been easier to understand if they had broken  
514 out the affected areas. The "bubbles" defining the areas to be amended are not on the map that is being  
515 displayed and she did not think there was enough discussion about those areas.

516  
517 Council Member Beck made a motion to continue this item for two weeks.

518  
519 Council Member Turley made a substitute motion to move this item to a work session to allow the

520 council to discuss the issues in more detail. The action was seconded by Council Member Johnson, and was  
521 passed 6:0.

522  
523 Council Member Dayton said, for the record, she was satisfied with her discussion with Mr. Hales  
524 and the Engineering staff and her questions had been answered.

525  
526 Mr. Phillips asked if the document and map were on the web site because they were not there two  
527 weeks ago. Mr. Taylor said the file was so large they were unable to post it on the web site. The document  
528 is available on CD in the council office for anyone that is interested.

529  
530 The Council took a brief recess from 10:07 to 10:15 p.m.

531  
532 **7. A PUBLIC HEARING TO CONSIDER A RESOLUTION AMENDING SANITATION FEES ON**  
533 **THE PROVO CITY CONSOLIDATED FEE SCHEDULE.**

534  
535 Wayne Parker, Provo City CAO, presented. Mr. Parker said the proposed FY 2012 budget  
536 recommends a fee increase for black sanitation cans from \$11.00 to \$12.50 per can per month. It has been  
537 several years since the fee was increased and it is needed to cover rising fuel costs, personnel costs, and  
538 increased tipping fees at the Solid Waste District. Mr. Parker emphasized the \$1.50 increase would be  
539 needed regardless of what is done about the recycling program.

540  
541 During the past seven years, the city has offered a voluntary curbside recycling program operated by  
542 Waste Management. For \$5 per month a blue recycling can is delivered to the resident and every two weeks  
543 Waste Management picks up their recycling. It has been a very successful program and there has never been  
544 a month in which the subscriber base did not grow. The contract with Waste Management expires August 1,  
545 2011 so an RFP was sent out to explore other options. The options that were put out for bid included 1) to  
546 continue the current subscriber opt-in program, 2) start an opt-out program where all residents with a black  
547 garbage can would receive a blue recycling can unless they called and canceled the service, or 3) require  
548 mandatory or universal recycling where the residents pay for the service whether they use it or not.

549  
550 The administration presented the three options to the council during a work session and  
551 recommended staying with the current opt-in program. They felt that with an aggressive marketing  
552 campaign more citizens would sign up for recycling. After discussing the three options, the council asked  
553 the administration to show the council what an opt-out program would look like.

554  
555 Mr. Parker said the cost of the black can would be raised from \$11.00 to \$12.50 regardless of what  
556 happens with recycling. In an opt-out program, the cost of the black can would be raised an additional \$2 if  
557 the resident chooses not to recycle at all (either the blue recycling can or the green yard waste can). For any  
558 combination of up to two blue or green cans, the program fee would be \$4.75. The administration expects a  
559 number of people with two black cans will drop one and pick up a blue or green can. Based on their best  
560 estimate, with the opt-out program the surplus would be about \$77,000. They just want to make sure they do  
561 not lose money in the Sanitation Department fund. After one year the program could be reviewed and  
562 adjustments made. In order to go through a legitimate noticing process and give people an opportunity to  
563 opt-out, the implementation for the recycling program is set for November 1, 2011. The administrations  
564 recommendation continues to be the opt-in subscription plan.

565  
566 In response to questions from Mr. Beck, Mr. Parker said the recycling rate was reduced from \$5 to  
567 \$4.75 to give the residents a discount for recycling. To break even, they could even go to \$4.50. However,  
568 they are hesitant to go that low, initially, and run the risk of a deficit budget.

569  
570 Mr. Beck said the current program offers a fee reduction for a "triple-play," where the resident have  
571 a black, blue, and green can. The administration is not recommending a further discount for a triple-play.

572 They wanted to avoid the complexity of adding another layer to the program and the billing.  
573

574  
575 Mr. Turley felt the opt-out program is a big step forward. He asked what the risk is if people opt-out  
576 in greater numbers than projected. Mr. Parker said if they opt-out they will be paying \$2 more for the black  
577 can. In terms of the blue cans, we only pay the contractor for the cans he picks up. If a person opts-out we  
578 do not have to pay for that customer. The bigger concern is if more people than estimated with two black  
579 cans drop one and get a blue or green can. That would be a significant loss to the city. If the city uses the  
580 opt-out program we would need to come back in a year and adjust the rates based on actual figures.  
581

582 Scott Pepler, Deputy Public Works Director, said most of the focus, in the current subscription  
583 method, has been on the blue can. If we lose the green cans we will lose a lot of the recycling effort. The  
584 proposed marketing plan would emphasize the green cans.  
585

586 Ms. Johnson said if the opt-out plan is chosen; the city could still have a marketing program to  
587 encourage and educate the citizens. Ms. Hall Everett agreed saying the city could use the surplus funds to  
588 teach the residents how to effectively use their recycling materials. It might be more successful than trying  
589 to encourage people opt-in. Ms. Dayton agreed saying they don't want to spend \$70,000 on a marketing  
590 program encouraging people to sign up for recycling while we are filling up our landfills.  
591

592 Mr. Beck said the council wants to keep the marketing program, he felt it was the key to success  
593 with an opt-out program. He said the first opt-out program was in American Fork with 53% staying in and  
594 Pleasant Grove was second with a 64% rate. Mr. Beck said Eagle Mountain is up to an 84% rate because  
595 they had done an excellent job of marketing the program. Eagle Mountain donates 20% of the recycling  
596 proceeds to their local schools. The community feels the recycling program is benefiting them by not only  
597 reducing the landfill fees but it is benefiting the schools as well.  
598

599 Mr. Beck said he is for as many incentives as possible; he does not like the idea of losing the triple  
600 play discount. We need to incentive people to recycle.  
601

602 In response to Mr. Turley, Mr. Pepler said the biggest difference between Provo and Eagle  
603 Mountain is our transient population. People move in and out and cans move with them. Mr. Pepler said  
604 the high percentage of rental units in the city makes an opt-out program difficult. Some other cities charge a  
605 penalty of up to \$50 if a citizen does not stay with the program for a year. Provo City does not require a  
606 resident to stay with the program for a defined period of time.  
607

608 In response to Ms. Dayton, Mr. Parker said the larger apartment complexes do not have the small  
609 garbage cans; it is mainly complexes with up to four units. Mr. Pepler said there are some six-unit  
610 complexes in north Provo that also use the City's services. Ms. Dayton asked if there was a way to monitor  
611 the cans or add additional fees for lost cans. Mr. Pepler said they have looked into a GPS system, however,  
612 it was expensive. In order to minimize turnover, it would be possible to charge a "lost can" fee or charge  
613 some type of administrative fee if a resident requests the service and then quits within six months or one  
614 year.  
615

616 Chair Healey invited public comment. Laura Snow, Provo, said the marketing program might be  
617 delaying the inevitable. Recycling is commonplace now and continuing education is needed, that is why she  
618 prefers the opt-out program. She asked if the marketing would be paid for out of recycling revenues. Mr.  
619 Parker said the revenue generated would help pay for a larger recycling program. He said 24% of black can  
620 residents choose to have a blue can. Opt-out becomes more automatic with about 60-65% participation, if  
621 not more; because the resident has to make a phone call or send a letter saying they do not want to recycle.  
622

623 Shawn Stanton, Provo, said the opt-out program would be good for Provo. If we put the cans in  
people's hands they will recycle. One of the problems he sees is that people do not know how to recycle.

624 The longer the city waits, the more the landfill will be filled up with materials that are recyclable.  
625

626  
627 Ron Phillips, Provo, was surprised when he moved here from Colorado that recycling was not  
628 mandatory. For administrative purposes, mandatory recycling would be much cleaner for the staff than the  
629 opt-out program. There will be a lot of feedback whether you go opt-out or mandatory so why not just go  
630 mandatory and make the process easier.

631  
632 Charles McElwee, Provo, is all for recycling but is also for freedom of choice.  
633

634 Roger Brown, Provo, supports the opt-out program so we don't run out of landfill space as quickly.  
635

636 There were no more public comments.  
637

638 Chair Healey said although there are many issues involved in trying to save the planet he struggles  
639 with an opt-out or mandatory programs because a lot of people cannot afford this. The fee for a young  
640 married couple with one black can would jump from \$11.00 to 14.50 if they don't recycle, and if they  
641 recycle, the cost will go from \$11.00 to \$17.25. He is in favor of keeping the current subscription, or opt-in,  
642 program.

643 Mr. Beck said they are looking at an increase across the board for the black, green, and blue cans.  
644 He said the council, in previous votes, felt it would be good to offer some incentives instead of raising the  
645 fees on the blue cans. The opt-out program would encourage people to recycle because it is cheaper now  
646 than it has ever been. If we continue with the current program, the increase of people recycling would be  
647 gradual and slow. Communities have shown that opt-out programs work. With tipping fees increasing, a  
648 recycling program would help reduce the amount of waste in the black cans. The green yard waste can is an  
649 example of how the city can profitably handle waste.

650  
651 Council Member Beck moved to accept the proposed fees with the caveat that the city continues the  
652 triple play discount. There was no second to the motion.  
653

654 In response to Ms. Dayton, Mr. Pepler said the current discount for two recycling cans is \$1 per  
655 can. He said they would have to recover those costs. They could charge \$5.50 for one can and \$4.50 for the  
656 second can to encourage a triple play. Mr. Pepler emphasized that the billing would be very difficult if  
657 there are too many options. The real way to get people to recycle is to have the \$2 per black can difference.  
658

659 Council Member Dayton made a substitute motion to accept the opt-out program as listed and six  
660 months after the program is implemented revisit the program with the idea of considering additional options,  
661 such as triple play. The motion was seconded by Council Member Beck. The motion passed 4:2 with  
662 Council Members Healey and Turley opposed.  
663

664 RESOLUTION 2011-39  
665

666 A RESOLUTION AMENDING SANITATION FEES ON THE PROVO CITY  
667 CONSOLIDATED FEE SCHEDULE.  
668

669 **8. AN ORDINANCE ADOPTING PROVO CITY CODE SECTION 2.05.015 (CANDIDATE FILING**  
670 **FEES), AND AMENDING PROVO CITY CODE SECTION 2.05.010 (DEFINITIONS) AND**  
671 **SECTION 2.05.040 (CAMPAIGN FINANCING DISCLOSURES STATEMENTS).**  
672

673 Corey Norman, Deputy Mayor, presented. He said during the earlier discussion in study meeting,  
674 there were three items that needed to be addressed. He asked Brian Jones, Assistant City Attorney, to  
675 comment on one of their concerns, the penalties associated with Campaign Filing Disclosure Statements.

676  
677 Mr. Jones said if there is not a penalty for filing an inaccurate disclosure statement it reduces the  
678 effectiveness of the ordinance. In response to Mr. Turley's questions about how penalties would be  
679 enforced, Mr. Jones said there is a provision in Provo City Code (3.06.010) that governs administrative  
680 appeal hearings when there isn't a defined appeal procedure. A possible amendment could be added to the  
681 ordinance that would state "If the candidate disputes the City Recorder's determination that there has been an  
682 omission or misstatement, the candidate may request an Administrative Hearing under the provisions of  
683 Provo City Code 3.06.010." If the council chooses to add the amendment, Mr. Jones recommends striking  
684 the last sentence of (5)(c) that talks about disqualification, and have the fine be the only penalty because a  
685 candidate could ask for an Administrative Hearing and drag it out until the election was over.

686  
687 In regards to Mr. Turley's comments about conflicts of interest, Mr. Jones said the proposed  
688 amendment would not solve the problem. The Administrative Hearing procedure is for the Mayor or his  
689 designee to hear the appeal. If the Mayor is running and he can designate the person to hear the appeal, there  
690 is still a problem and concern. Mr. Turley suggested having a 5-7 person commission to take the place of an  
691 Administrative Appeal.

692  
693 Ms. Dayton asked if the proposed ordinance could stand on its own merit, from a legal standpoint,  
694 without the change. Mr. Jones said if we didn't change the statute but granted an appeal right under  
695 3.06.010, we would probably be fine. If we leave it the way it is right now and someone was disqualified or  
696 fined, they could file a court action saying they were not given a chance to present their case. Mr. Jones said  
697 they could add the additional appeal process by referencing the default due process, or expand the statute and  
698 build in a special appeal process specifically for this issue. The problem is to have an appeal process that is  
699 completed in time for someone to be disqualified.

700  
701 Ms. Dayton said, no matter how you look at it, part of (5)(c) will have to go; it would not stand on its  
702 own. We are coming up on an election and the candidates need to be aware this is in process. Mr. Jones said  
703 you could amend the ordinance to define a Campaign Finance Appeals Board and have the board define their  
704 own rules outside the ordinance. Mr. Jones said this process could be completed during the election period  
705 coming up.

706  
707 Ms. Johnson asked if it would be simpler to increase the fine and take disqualification off the table.  
708 Mr. Jones said that would be an alternative.

709  
710 Mr. Beck said the disqualification was a result of the person not paying the fine, so increasing the  
711 fine would not help.

712  
713 In reviewing the proposed ordinance, Mr. Turley said he did not have a problem with the filing fee.  
714 He asked if the section dealing with a petition, in lieu of paying a filing fee, could be pulled. Mr. Jones said  
715 it would not provide someone an opportunity to run if they don't have the financial backing.

716  
717 Mr. Beck said he did not think a filing fee would stand up in court if we did not offer an alternative.  
718 Mr. Jones said there are other municipalities that require the fee and do not have an alternative. For instance,  
719 in Springville, Orem, and American Fork you pay the filing fee and you get your name on the ballot, there  
720 are no other alternatives.

721  
722 Mr. Turley said he did not have a problem with any other parts of the ordinance except Part 5 and a  
723 policy could be developed before the disclosures are due. He liked the idea of government oversight on the  
724 disclosure statements but he didn't think they should amend the ordinance "on the fly."

725  
726 Ms. Dayton said there are a number of items not addressed in the ordinance. One of her concerns is  
727 how to deal with PAC's. Mr. Jones said whether a group defines themselves as a political action committee

728 (PAC) or not, they can organize a group. If neighbors want to be organized and aggressive about going after  
729 an issue or candidate, they will be able to do that and there is nothing to prohibit them from doing that.  
730 There is language included in the ordinance that if an organized PAC raises or spends over \$250 then they  
731 are subject to the same disclosures as the candidates are. The residents of Provo deserve to know who is  
732 spending money and where it is being spent. Ms. Dayton asked if a PAC could be tied into (5)(c) under the  
733 same regulations and be fined. Mr. Jones said the only thing they could be disciplined for is misstating their  
734 financial disclosures. Ms. Dayton felt that might be sufficient to bring them out in the open.

735  
736 Mr. Jones said any attempt to control what a PAC does will run into free speech issues. Mr. Norman  
737 said various branches of the government have been trying to define what a PAC is and what role they play,  
738 etc., and have not been able to provide clear direction. He felt the council should move forward and make  
739 changes they feel are appropriate.

740  
741 Mr. Beck encouraged the council to form a government oversight committee to address issues  
742 concerning campaign funds, such as using funds for personal purchases. These are some good proposals the  
743 council should move forward with and, in the meantime, work on some of the other issues. He read case law  
744 which stated that a filing fee option without a petition alternative would not pass constitutional muster. The  
745 constitution mandates that any filing fee option be accompanied by an alternative method, so he would not  
746 feel comfortable removing the signature option.

747  
748 Chair Healey invited public comment. Sherry Spencer, Provo, said these proposals are good and  
749 necessary. She has seen patterns in Provo where young voters are being used for political gain by enticing  
750 them with rewards and money. During the last election, there were signs placed between 9:00 p.m. and  
751 midnight the night before the election, and many of them were placed illegally. Could the sign legislation be  
752 modified to penalize people that encourage, or pay, for signs that are placed illegally? She felt the students  
753 could be educated to prevent them from being used to unknowingly break the law by someone in authority.

754  
755 Ms. Spencer was concerned about voter registration and if students understood the voter registration  
756 law. If someone registers, and they are on their parent's taxes as a dependent, they could lose some rights  
757 with Pell Grants, etc. Ms. Spencer was also concerned about how PAC's are created and used. During the  
758 last municipal election a PAC was formed called BYU Students for Honesty and Integrity, which was using  
759 BYU's name, but there was no evidence of anyone being behind it. There should be a way to better enforce  
760 PAC's.

761  
762 Brian Chapman, business owner in Provo, said there are a lot of good things in the proposed  
763 ordinance but there are also some problems. He didn't think it was accomplishing what it was trying to  
764 accomplish. For instance, why require signatures if there is no rule as to where those signatures should come  
765 from. In Salt Lake, if a candidate cannot pay the \$75 fee they are required to obtain 75 signatures from  
766 voters in that district.

767  
768 In reference to finance disclosure penalties in Part (5)(c), what happens if it is a minor mistake, is the  
769 penalty still \$250.00, or could they be given twenty-four hours to fix the problem. Mr. Chapman said the  
770 ordinance addresses contributions but does not address expenditures. The ordinance also needs to define in-  
771 kind contributions and how your report them.

772  
773 Mr. Chapman addressed the disclosure dates and was concerned with requiring three disclosures  
774 during a 4-5 week period. He felt it was too many. He said they need to clarify several rules and make it  
775 easier for the candidate to understand what the rules are. The State Legislature recently made changes that  
776 required campaigns to have their own bank account. There is nothing in Provo's ordinance to prevent  
777 commingling campaign and personal accounts. This ordinance has a lot of good things in it but it is not a  
778 final product. He suggested taking a few more weeks to refine the ordinance and get input from the  
779 community.

780  
781 Ms. Spencer asked Mr. Chapman, in his capacity as a professional campaign manager, if the penalty  
782 was a good deterrent on this law. Mr. Chapman said it didn't matter the amount of the penalty, he would do  
783 his best to make sure the disclosure is as accurate as possible. However, any penalty is a deterrent.

784  
785 Council Member Beck moved to approve the ordinance and, over the course of the next two months,  
786 make some improvements.

787  
788 He said there have been some great ideas from the council and the public for improvements. It will  
789 be a difficult process to be as open and transparent on campaign finance laws as we should be, but this is a  
790 good move.

791  
792 Council Member Dayton seconded the motion with amendments to 1) make the changes prior to July  
793 1, 2011, 2) take a close look at (5)(c) and define, as a council and administration, a secondary Campaign  
794 Finance Board that could be the magistrates over the law, and 3) clarify Salt Lake's law concerning  
795 signatures on petitions.

796  
797 Mr. Norman said when he contacted Salt Lake he was told the number was around 200, he was not  
798 told about the requirement for 75 signatures within the district. Ms. Dayton said that answered her concern.

799  
800 Chair Healey clarified the motion made by Council Member Beck and seconded by Council Member  
801 Dayton. The motion was to approve the ordinance as is and make amendments over the next few months  
802 and, specifically, amend the language in (5)(c) to create a Campaign Finance Board to hear appeals, and set a  
803 date certain of July 1, 2011 for all changes to be made.

804  
805 Mr. Turley clarified there was no amendment proposed about registered voters in the district in 1(b),  
806 so people can sign in support of a candidate with no limitations. He said he would be opposed to that.

807  
808 Chair Healey called for a vote on the motion, which passed 4:2 with Council Members Johnson and  
809 Turley opposed.

810  
811 ORDINANCE 2011-13

812  
813 AN ORDINANCE ADOPTING PROVO CITY CODE SECTION 2.05.015 (CANDIDATE  
814 FILING FEES), AND AMENDING PROVO CITY CODE SECTION 2.05.010  
815 (DEFINITIONS) AND SECTION 2.05.040 (CAMPAIGN FINANCING DISCLOSURES  
816 STATEMENTS).

817  
818 **8a. A PUBLIC HEARING TO CONSIDER A RESOLUTION TRANSFERRING \$16,236 IN THE**  
819 **GENERAL FUND FROM THE MUNICIPAL COUNCIL TO THE LEGAL DEPARTMENT AND**  
820 **APPLYING TO THE FISCAL YEAR ENDING JUNE 30, 2011.**

821  
822 Chair Healey introduced the resolution. There was no response to the request for public hearing.

823  
824 Council Member Johnson moved to adopt the resolution; an action seconded by Council Member  
825 Beck, and approved 6:0.

826  
827 RESOLUTION 2011-40

828  
829 A RESOLUTION TRANSFERRING \$16,236 IN THE GENERAL FUND FROM THE  
830 MUNICIPAL COUNCIL TO THE LEGAL DEPARTMENT AND APPLYING TO THE  
831 FISCAL YEAR ENDING JUNE 30, 2011.

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Council Member Beck moved to adjourn the Municipal Council Meeting and convene as the Provo City Redevelopment Agency; an action seconded by Council Member Johnson, and approved 6:0.

**REDEVELOPMENT AGENCY**

**9. A RESOLUTION ADOPTING A TENTATIVE BUDGET FOR THE REDEVELOPMENT AGENCY OF PROVO CITY CORPORATION FOR THE FISCAL YEAR BEGINNING JULY 1, 2011 AND ENDING JUNE 30, 2012.**

Chair Hall Everett introduced the resolution and invited Denise Roy, Provo City Budget Officer, to comment. Ms. Roy said the proposed RDA budget for FY 2012 is \$5,491,811. Detail can be found in the Provo City tentative budget book on pages 159 thru 189.

Board Member Healey moved to approve the resolution; an action seconded by Board Member Dayton, and approved 6:0.

RDA RESOLUTION 5-1-1-11

A RESOLUTION ADOPTING A TENTATIVE BUDGET FOR THE REDEVELOPMENT AGENCY OF PROVO CITY CORPORATION FOR THE FISCAL YEAR BEGINNING JULY 1, 2011 AND ENDING JUNE 30, 2012.

**10. A RESOLUTION APPROPRIATING \$85,957 IN THE TAX INCREMENT FUND FOR CONTRACT PAYMENTS AND APPLYING TO THE FISCAL YEAR ENDING JUNE 30, 2012.**

Denise Roy presented. The City received more in tax increment than was budgeted so they need to appropriate the revenue increase and pay out the contracts. The contracts are with the Marriott Hotel, Nu Skin, Towne Square 2010, Dillard's, Town Square 2005 – 2009 (delinquent funds), and the Financial Center.

In response to Mr. Beck, Ms. Roy said there are project areas where we collect tax increment to do the project. The increment is the money from property tax revenue and that increment is returned back to the areas. The contract states that if we receive a certain amount in tax increment it is an incentive for the business to have the money returned back to them.

There was no response to the request for public comment.

Board Member Johnson moved to approve the resolution; an action seconded by Board Member Dayton, and approved 6:0.

RDA RESOLUTION 5-1-2-11

A RESOLUTION APPROPRIATING \$85,957 IN THE TAX INCREMENT FUND FOR CONTRACT PAYMENTS AND APPLYING TO THE FISCAL YEAR ENDING JUNE 30, 2011.

Board Member Turley moved to adjourn the Redevelopment Agency meeting and convene as the Storm Water Special District; an action seconded by Board Member Dayton, and approved 6:0.

**STORM WATER SPECIAL SERVICE DISTRICT**

**11. A RESOLUTION ADOPTING A TENTATIVE BUDGET FOR THE PROVO CITY STORM**

884 **WATER SPECIAL SERVICE DISTRICT FOR THE FISCAL YEAR BEGINNING JULY 1, 2011**  
885 **AND ENDING JUNE 30, 2012.**

886  
887 Denise Roy presented. The proposed budget for the FY 2012 is \$3,824,822, which includes both  
888 operating and CIP budgets. The budget can be found on pages 191 – 195 of the Provo City tentative budget.  
889

890  
891 Board Member Johnson moved to approve the resolution; an action seconded by Council Member  
892 Hall Everett, and approved 6:0.

893  
894 RESOLUTION 5-1-1-11

895  
896 A RESOLUTION ADOPTING A TENTATIVE BUDGET FOR THE PROVO CITY  
897 STORM WATER SPECIAL SERVICE DISTRICT FOR THE FISCAL YEAR  
898 BEGINNING JULY 1, 2011 AND ENDING JUNE 30, 2012.

899  
900 ADJOURN

901  
902 Board Member Hall Everett moved to adjourn; an action seconded by Board Member Johnson, and  
903 approved 6:0.

904  
905 The meeting adjourned at 11:46 p.m.