

**PROCEEDINGS OF THE MUNICIPAL COUNCIL MEETING**  
**March 16, 2010**

**THE MUNICIPAL COUNCIL MET AS A COUNCIL OF THE WHOLE ON MARCH 16, 2010  
AT 7:00 P.M. IN THE COUNCIL CHAMBERS, PROVO CITY CENTER, PROVO, UTAH.**

UPON ROLL CALL, THE FOLLOWING MEMBERS OF THE COUNCIL AND ADMINISTRATION WERE PRESENT:

Council Member Laura Cabanilla  
Council Member Cynthia R. Dayton  
Council Member Midge Johnson  
Council Member Sterling Beck  
Wayne Parker, CAO  
LaNice Groesbeck, City Recorder

Council Member Steve Turley  
Council Member Rick Healey  
Council Member Sherrie Hall Everett  
Mayor John Curtis  
Neil A. Lindberg, Council Attorney

CONDUCTING: Chair Midge Johnson

OPENING CEREMONIES:

INVOCATION: Joseph Cannon, Cub Scout Troop 723

PLEDGE OF ALLEGIANCE: Paul Davidson, Cub Scout Troop 723

MINUTES:

Council Member Hall Everett recommended changes to one of her comments in the minutes of March 2, 2010 and moved to continue approval of the minutes to the next meeting. Council Member Healey seconded the motion to continue which passed 7:0.

PUBLIC COMMENTS

Don Allphin, Provo, Lakeview North Neighborhood Chair, said he has been involved in the neighborhood chair program for a number of years. Tomorrow his neighborhood will hold a meeting to elect a new chair and allow someone else this opportunity to serve. He thanked the Council, Administration and staff for providing him what he needed to do his duty. He shared thoughts regarding the neighborhood program which were prompted by a recent article in the paper. He said only 15% of Provo voters went to the polls to elect new city leadership, which he felt provided no strong "mandate for change." The other 85% of the residents were not engaged enough to go to the polls. He believed the neighborhood program should stay under the direction of the Council. He said "the citizen's voice will engage more people, and the more we get involved, the more we will raise . . . the percentage of residents getting involved in the local processes."

Dave Knecht, former neighborhood chair for seven years and a former council member over the Neighborhood Program, said a simple phone call to the Council office could initiate a neighborhood meeting to elect a new neighborhood chair after the two-year term was completed. Many times a chair serving for longer than two years without an election is the result of no one else wanting to take on that responsibility. However, the Council should observe the rules of having an election every two years. A two-year commitment is expected because that much time is needed for a neighborhood chair to learn and understand the role and responsibility of the position. The process to replace a neighborhood chair before the end of the two-year term is intentionally difficult since the program works best with consistency. He supported a minimum of two-year terms for chairs and

didn't see any need for change in the program.

Lindsey Wiblin, Carterville Neighborhood Chair, clarified there is no formal time limit of service beyond the initial expectation of service for two years. Responding to Ms. Hall Everett, Mr. Wiblin said he has been a neighborhood chair for nearly seven years.

Robert Oscanyan, Dixon Neighborhood resident, felt transparency in any program was a good thing and good communication is essential to the program. He acknowledged that some roster dates of election of the neighborhood chairs may be in error, but it appeared that a significant percentage would be up for election and he proposed an election for all neighborhood chairs to firmly document the election date.

Chair Johnson said the Neighborhood Program is under her direction and a Community Development Committee formed to administer the program. The committee is currently reviewing the program to determine what works and where improvements are needed. She said there has been no talk of removing the program, and encouraged input from other neighborhood chairs and the public.

### ACTION AGENDA

#### ***A. A public hearing to consider a resolution adopting the 2009 Update to the City General Plan.***

Chair Johnson noted a request to continue this item to April 20 had been received, but, since the item was noticed as a public hearing, she invited public comment.

Dee Dee Rose, Provo, urged the Council to withdraw language referring to implementation of a parking permit program prior to the Joaquin School site development as stated in Chapter 6 Page 33 Item E of the update. Her family has two large pieces of property in this area and they have not been involved in a discussion referring to the permit program. She felt the permit program was unnecessary and that language should not be left in a document that could be enforced in the future.

Council Member Turley moved to continue the item to the April 20 Council Meeting, an action seconded by Council Member Healey. Mr. Turley said the General Plan is a vision document for the City with a 20-year perspective. He encouraged citizens to provide input on the freeway commercial area redevelopment opportunities, canyon preservation, the Provo River Walk corridor preservation and enhancement, development of Center Street from both east and west, the airport connector road, hospital, South State Street corridor, development or redevelopment of some properties in East Bay, transit corridors, the Northwest Connector Parkway from Geneva Road to the Provo River and across Center Street, and anything else of public interest.

The motion to continue to April 20 passed unanimously.

#### ***B. A public hearing to consider a resolution authorizing the Mayor to execute an amended Development Agreement for the Clydesdale Bend Subdivision located generally at 2275 West 600 South, Provo, Utah.***

Chair Johnson introduced the resolution and invited John Dester, applicant, to comment.

Mr. Dester said, as a result of discussion with the neighborhood and a neighborhood meeting, there have been changes, compromises and improvements to the project. He highlighted three major areas. The first area was allowing unfinished space on the second floor of the homes. He noted, under the present guidelines, the minimum square footage for either classification of homes was 800 square feet on the main floor. Two home classes were offered: 16 of the 2,250 square foot size and 17 of the 1,800 square foot size. The revision proposes that the 800 square feet on the main floor will remain, but if there is an unfinished portion of the home, then the main floor footage must increase to 1,000 square feet in the smaller ones and 1,200 square feet in the larger homes. The result was a larger footprint if the upper floor was unfinished. Three rambler homes proposed would be 1,500 square feet, and three additional rambler homes would be 1,700 square feet, which was based on the minimum square footage of the

Sandalwood Subdivision to the east. He said ramblers accommodate certain market segments that prefer main-floor living. He emphasized that size of home cannot be determined from the curb. He noted the existing development agreement is only one page, while the amendment is three pages. He presented an overhead which compared the previous and proposed development agreements.

Mr. Dester noted another issue was one of siding. He agreed with the neighborhood request to limit the number of houses with a vinyl exterior and to use vinyl siding of a high quality. He proposed that 16, or half, the houses have vinyl siding, using a minimum thickness of .044 which is available in many colors and styles. He noted that siding can be installed so seams are not visible from the street, as requested by the neighborhood.

Mr. Dester said the neighborhood did not oppose the proposal to require landscaping within six months, and not as a condition of occupancy.

Harry McCoard, Provo Bay Neighborhood Chair, commended Mr. Dester for working with the neighborhood. The issue that seems to be “striking the nerve of the neighborhood” centered around home size. The west side already suffers from the “small, ugly home syndrome” with an abundance of small starter homes, which are mostly vinyl sided and have a quick turnover which impacts the schools as well as the neighborhood. Compromises have been made with the developer. Some neighborhood residents were OK with the proposal, but most supported approval with conditions. He agreed there was no opposition to an unfinished upstairs or the landscaping proposal. The home size of 1,500 square feet was an issue as was the vinyl siding. While the neighborhood would prefer no vinyl siding, he hoped they could agree somewhere between 16 and zero, and proposed eight. He proposed the neighborhood support the three 1,500 square foot ramblers and compromise more on the vinyl siding issue. Another option he proposed was that 16 homes have vinyl, but only half can have 50% siding and the other eight could be 100% vinyl siding.

Mr. Healey noted that many homes in his neighborhood in Indian Hills have siding along with other materials such as brick or rock on the front. He suggested a percentage to define how much vinyl could be used.

Mr. Dester agreed with a comment made by Ms. Cabanilla that the reason for the vinyl siding was not necessarily the cost, since vinyl is more expensive than some other materials, but because of the look (aesthetic value) that is available with siding and the lower maintenance requirement. He added that allowing 16 homes with siding may not result in 16 homes with siding.

Responding to Ms. Hall Everett, Mr. Dester said the .044 siding is about 1/16 of an inch thick, costs more and lasts longer. The lifetime warranty behind the product guarantees against fading, cracking, warping, oxidization, etc. on a prorated basis. Almost all manufacturers provide a warranty longer than 25 years, but he was willing to include a clause to that effect in the development agreement.

Ms. Dayton suggested a 25% requirement for a material other than vinyl on the front of the home. Mr. Dester agreed and said he would be willing to do no 100% vinyl homes.

Mr. Beck supported simplified agreements and was concerned that the amended development agreement would result in smaller homes, something the neighborhood does not support. Because Mr. Beck received an email from another developer in this area asking to also reduce the square footage of the homes in his development, he was concerned this decision may set a precedent. He did not support vinyl as a siding option. Mr. Dester responded that the revised plan provides larger homes (1,800 square feet) than the minimum (1,700 square feet) which is required in Sandalwood.

Public comment was invited. Danny Martinez, Provo, said it took six weeks to develop his home in Clydesdale. His new home was sided because he liked the look and the low maintenance, even though stucco was \$5,000 cheaper. If Mr. Dester was not able to build homes here, Mr. Martinez felt the bank could legally develop the property to a lesser standard. Therefore, he supported the upgrade proposed by Mr. Dester.

Mike Robertson, Provo, said he lived in a 1,600 square foot, vinyl sided rental home. After 11 years, the vinyl color is changing to white and is buckling on the west side. Of the 40 homes in the subdivision, four were rented immediately. He stated the less expensive homes tend to less neighborhood stability and can easily be converted to illegal duplexes. His main concern was the home size. Responding to Mr. Healey, he said his 1,600 square foot home was small and anything smaller than that was a concern.

Deanne McCoard, Provo, identified a large piece of property in the area already zoned R1.8 which will be developed with smaller homes in the future. She proposed no more than three houses of 1,700 square feet and felt the vinyl should be used as an accent for eaves, etc. (around 20%) and used in places difficult to paint. She believed the three page development agreement would protect the neighborhood.

Vic Divano, developer, said because of the economy, beautiful new homes built in the last year have been 1,200 to 1,800 square feet—some with quality stucco and some with quality siding. He felt a 25% wainscot with natural materials would be beautiful. He suggested a requirement of a minimum square footage and a two-car garage to provide adequate parking. Because Provo is not currently building many rooftops, the City should welcome great developers who bring quality projects.

There was no additional public comment and the public hearing was closed.

Responding to Mr. Turley, Mr. Lindberg said this the original developer and construction company for this project changed and the project defaulted to Central Bank, which is the current property owner and successor to the project. Mr. Dester is the contract purchaser of those lots owned by Central Bank. If Council elects to approve the amendment set of conditions, either the first agreement will be amended to add Central Bank as the “party in interest,” or, if the bank was not willing to do that, Mr. Dester would become the developer. Therefore, Mr. Dester is acting as an agent of Central Bank asking to amend the agreement. Both parties need to agree to the proposed changes to the existing agreement; otherwise, the original agreement would remain in place. Responding to Mr. Turley, Mr. Dester said the 25% rock or stucco exterior could be added to the agreement, and he felt 12 would be a good compromise for homes with vinyl siding.

Council Member Turley moved to approve the development agreement with amendments to 5A reading 12 homes with siding, with 25% brick or stone required for the front exterior, and .044 thickness required for siding. Council Member Cabanilla seconded the motion.

Ms. Hall Everett asked if a guarantee on the vinyl siding could be included in the motion. Mr. Dester agreed that requiring a product with a lifetime warranty could be added to the agreement.

Council Member Hall Everett presented a substitute motion to include those items in Mr. Turley’s motion, but to eliminate the three 1,500 square foot homes, and retain the three 1,700 square foot homes, etc. Council Member Dayton seconded the substitute motion.

Responding to Mr. Dester, Ms. Hall Everett said she was more concerned about the livability of the homes than the curb appearance. There are already many 1,500 square foot homes on the west side, many of which are up for sale, and she questioned the need for more. Mr. Dester responded that the reason he needed approval for those three smaller homes was to respond to that segment of the population that wanted smaller homes which could still be roomy and very nice. Mr. Lindberg said this is a bilateral agreement and, if the Council imposed a requirement on Mr. Dester that he did not accept, the original conditions would remain.

The substitution motion failed 2:5 with Council Members Dayton and Hall Everett in favor and Council Members Beck, Cabanilla, Healey, Johnson and Turley opposed.

The original motion made by Council Member Turley passed 4:3 with Council Members Cabanilla,

Healey, Johnson and Turley in favor and Council Members Beck, Dayton and Hall Everett opposed.

**RESOLUTION 2010-25**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AMENDED DEVELOPMENT AGREEMENT FOR THE CLYDESDALE BEND SUBDIVISION LOCATED GENERALLY AT 2275 WEST 600 SOUTH, PROVO, UTAH.**

***C. A public hearing to consider an ordinance vacating the property interest of Provo City Corporation in 100 West from Center Street to 100 South. Central Business District Neighborhood. 09-0001SV.***

Chair Johnson introduced the ordinance and invited Gary McGinn, Community Development Director, to comment. He identified a two-step process for the project: first the vacation of the road and then the sale of the property (the street 100 West between Center Street and 100 South) which is owned by Provo City. The Council, by Utah State statute, must make the final decision on the road vacation, but asked the Planning Commission to review the proposal. One issue raised by the Planning Commission was the bus rapid transit (BRT) route which was proposed to be on 100 West. Alternate BRT route options could be either Freedom Boulevard or University Avenue. Another important issue was the impact on historic downtown. Whatever NuSkin does should enhance and be compatible with the downtown's historic structures and include Landmarks and Design Review input. Even though the environmental assessment needs to be completed, and there are still questions regarding the route for BRT, he felt it would be appropriate to move ahead with the street vacation, giving NuSkin an indication of Provo's interest in their proposal and in receiving more details. However, the surplus and sale of the property would come later after questions are answered and an acceptable direction has been determined.

Responding to Ms. Dayton, Mr. McGinn said vehicle trips per day on 200 West, 100 West and other downtown roads and other impacts on BRT, etc. will be part of the environmental assessment that is in progress.

The applicant, Gary Garrett, said the project objectives were to consolidate 400 additional employees from East Bay to the downtown area, design a campus complex, and establish a distinctive central plaza. He noted the new building will be 120,000 square feet, four to six stories high and will be joined to the existing NuSkin Tower with an atrium. Additional parking on the south and access through the property to the parking tower will provide circulation for service vehicles and the lab facility and will make way for the plaza space. The plaza is intended to create a gathering place in downtown similar to the Gallivan Center and Main Street Plaza in Salt Lake City.

Mr. Garrett identified the general contractor as Oakland Construction, and the architect as Bohlin Cywinski Jackson, a nationally renowned architectural firm. He addressed the issues raised by the Planning Commission regarding underground utilities, traffic and parking impact, public safety, Landmarks Commission and the BRT. Expenses to move utilities to solve the underground utility concern are budgeted in the cost of the project. A traffic study has been completed by Horrocks Engineering which indicated 2,500 cars per day will be displaced from 100 West. Other reports indicate very little impact of closing 100 West between Center Street and 100 South. The signal at the intersection of Freedom Boulevard and Center Street will need modification to facilitate traffic at this location. Including existing and new parking lots and structures, 640 parking spots will be available. The existing ordinance requires one stall per 250 square feet. A revision of 50% reduction may be requested to allow the 640 parking spaces to accommodate the number of employees. The new facility will include a call center of 350 employees who will work into the night making the parking adequate.

Mr. Garrett said emergency vehicle access will be addressed in the project design. NuSkin met with the Landmarks Commission in design review, and they believe the contractor and architect will be sensitive to the look and feel of downtown and will create a design to blend and harmonize with the existing environment. NuSkin was encouraged by their meetings with UTA regarding the bus rapid transit alternative route. As a company, NuSkin is committed to BRT, and has agreed to fund the required Environmental Assessment Study. They are committed to maintaining the \$4 million appropriation for this project, and to maintaining a public thoroughfare through the

space to allow public access.

Public comment was invited. Ray Beckham, Provo, said 15 years ago he was asked to establish a Downtown Alliance and became its first president. Today he is chair of a City-sponsored Provo Downtown Beautification Committee which has worked and planned for the future of downtown Provo. He said this project fits perfectly with the long-term plans of a gathering place and other elements of downtown. The Committee was very supportive of the project which will contribute to their own plans for downtown rejuvenation as well as provide welcomed additional pedestrian traffic.

Almond Bethers, Provo and Sensuous Sandwich owner, said her main concern was adequate parking. Closing the street will remove some on-street parking and there will be more NuSkin employees to take up the public parking. She was also concerned about the parking lot on the southwest side of her block which was proposed to be sold a few years ago. While the City has no responsibility to provide parking, it is integral to downtown to have adequate parking. She expressed excitement for the project, but requested that existing parking be protected.

Carol Walker, property owner on 90 West Center Street, was excited about this company's willingness to invest \$40 million in downtown to stimulate desired changes there. She supported doing whatever was needed to further them in this goal, even closing the road to establish a gathering place for public and private use. Another positive was the increased number of patrons for downtown businesses which could encourage additional retail and commercial businesses downtown. She also supported the BRT change because she would like the rapid transit to go past the convention center on 200 West.

Michael Tsu, BYU finance major, said his group has been evaluating students and their desire to visit downtown Provo. One of their concerns is the transiency of students which constitutes a large number of Provo's population. He felt there might be something better to do with the \$40 million than to build another company headquarters on Center Street. He felt NuSkin would likely continue to grow and would require more buildings and more parking which will displace other buildings and businesses which could present future setbacks for downtown. He felt downtown could provide more economic growth if a business that attracted students was located there. Building a convention center, he felt, would not increase student participation or traffic in the downtown. He requested that NuSkin provide something for students in their development.

Kyle Daines, Salt Lake resident and city planner for a neighboring community, was concerned about removing the Kress Building. While the building is not architecturally stunning, it is a piece of history and is a quality building with good architecture. While he did express support for NuSkin and their contributions to the City, he felt the connection across 100 West from the high rise to the new building will provide a visual barrier for those unfamiliar with the area. He felt the atrium visual barrier from Center Street south could curtail future development along 100 South and beyond.

Brent Ashworth, Center Street business owner, was 100% behind the proposal because it will provide the needed "shot in the arm." The \$40+ million investment by this "wonderful citizen of our community" should be allowed to move forward with 100% support. He said he could relocate his business if needed.

Nick Lysman, Provo, owns and maintains an urban planning community on line. He commended NuSkin for their continued commitment to downtown. He noted, however, that *designing* historic look was very different than *preserving* historic look. He didn't feel that replacing the prominent Kress Building with a faux historic building was preserving historic downtown. He noted that the closing of this street would be the third such closure within five blocks. Other closures are at 400 West for the Covey Center and 100 East. With more dense development accompanying the front runner station and the transit development options, he felt the downtown may become a "bottleneck" with road closures so close together. Another concern was the displacement of the planned BRT line, which, if moved to 200 West, would take capacity from a main north/south road. He felt 100 West was the ideal location for the BRT since it was not as heavily utilized as University Avenue and Freedom Boulevard,

alternate BRT routes. He felt there was no need for the atrium, which created a “compound-type look” or a barrier. It would be different if the plaza faced Center Street rather than 100 South.

Tosh Metzger, Provo, felt this development was needed, and, as a “regular citizen” supported the development. He felt if the project was not approved, Provo deserved the continued dilapidation of downtown. This project supports what is encouraged and needed downtown.

Vic Divano, developer, cited examples of Salt Lake City and Greenville, two out of a list of 100 cities, where similar projects have been very successful in mixing the old and the new. He read a statement regarding Greenville and the public/private partnership. This project redeveloped a “languishing industrial area” into an arts complex incorporating historically significant buildings, and stabilization of a stagnant historic district to include shops, more restaurants, office and residential uses. The renovation significantly increased the number of residents living in the downtown. He encouraged the Council to be visionary in their approach to this project.

Curt Bramble, Provo, spoke in favor of the project as a citizen, tax payer and longer term Provo resident. He stated that rejuvenation takes a catalyst and innovation, and noted the soon-to-begin I-15 construction project will make Provo accessible to the world. He stated ideas like this have been effective in rejuvenating and renovating downtown districts in other national cities. He felt those representing Utah County at the legislature would be willing to address any issues that may arise on this project at that level.

There was no addition comment and the public hearing was closed.

Mr. Beck expressed support of the project and appreciation to NuSkin for the desire to invest in downtown. Pedestrian traffic is needed to rejuvenate downtown.

Responding to Ms. Dayton regarding visitor parking, Mr. Garrett said there some visitor parking was allocated in the terrace parking. There are fewer than 100 requests for visitor parking per day. Distributors generally come in busses, and he identified the proposed route for bus access. Ms. Dayton was concerned because initially the convention center will not have adequate parking. Mr. Garrett said there will be about 220 additional parking stalls with this project.

Mr. Parker commented on the convention center parking. First, Provo’s commitment to Utah County is that the new parking structure associated with the Hyatt Place Hotel will be constructed before the convention center is opened. The City has completed a downtown parking study that identified structured parking north of Center Street that is not currently utilized. In conjunction with NuSkin’s project and the county convention center will be a “way-finding strategy” for downtown making it easy to find the structured parking and utilize it more fully.

Council Member Hall Everett moved to approve the street vacation, noting downtown elements have been a high Council priority for several years. She thanked NuSkin for their involvement with the City staff and boards. She especially appreciated the inclusion of public spaces, the atrium, etc. that will help make downtown Provo a destination location. Various components are coming together that have helped Provo begin to realize the vision for downtown. She encouraged continued review of strategies to enhance downtown. Council Member Johnson seconded the motion.

Mr. Parker said UTA was “taken back” by this proposal given the emphasis for placing BRT on 100 West. They have responded well to the proposal and have invested their time and energy to a new route. NuSkin has offered to help offset the out-of-pocket costs for UTA to do an Environmental Assessment. UTA will also be investing significant unreimbursed resources of their own to make this work. A new and fresh look at BRT may result in a better BRT system than originally envisioned.

Ms. Cabanilla supported the choice of the architect. She believed the firm will produce a plan that will

blend the historic downtown with the modern that will be striking and innovative and will enhance the downtown.

The motion to vacate the street and approve the following ordinance passed 7:0.

**ORDINANCE 2010-03**

**AN ORDINANCE VACATING THE PROPERTY INTEREST OF PROVO CITY CORPORATION IN 100 WEST FROM CENTER STREET TO 100 SOUTH. CENTRAL BUSINESS DISTRICT NEIGHBORHOOD. 09-0001SV.**

The Council took a brief recess from 9:26 to 9:35 p.m.

***D. A public hearing to consider a resolution appropriating \$1,144,500 in the Energy Fund for operational and capital expenses and applying to the fiscal year ending June 30, 2010. (EECBG Grant)***

Chair Johnson introduced the resolution and invited Kevin Garlick, Energy Department Director, to comment. He said this grant includes a variety of energy projects as identified in a previous work session and comes as a result of the Department of Energy stimulus package. Projects include an audit of city buildings followed by facility upgrades, LED traffic and street lights, and community energy services programs for residential and small commercials, i.e., energy audits, weatherization and appliance rebates. These projects will be executed through various departments including the Energy Department, Engineering, and Facilities. One change, as a result of the study session, was to move 10% from eight items and apply that funding to the city building energy efficiency program. He emphasized this was one-time funding and there was no proposal to subsidize an on-going program once these funds were expended. Programs will, therefore, be offered on a first-come-first-served basis.

There was no response to the invitation for public comment.

Mr. Beck proposed the 10% reduction be taken from all projects except the bike trails. He would like the \$150,000 proposed for that project to remain, and not be reduced to \$135,000.

Council Member Cabanilla moved to adopt the budget to include Mr. Beck's proposal to retain the full spending for bike lanes. Chair Johnson noted that would equal a \$15,000 reduction in the City Building audit project and then seconded the motion.

Responding to Mr. Healey, Mr. Garlick said project efforts will go first to the city building energy audit and then address as many of the findings as possible by priority. Reducing the amount by \$15,000 would not likely create a major impact to the overall outcome. The grant requires an energy savings which, in this case, is balanced between bike lanes and lighting or mechanical improvements in the City building.

Mr. Lindberg noted the dollar amounts of each project were not reflected in the resolution, but were established through a memo from the Administration to the Council requesting adoption of the resolution and appropriation of the funds. He suggested the motion include adoption of the resolution with the intent to appropriate the funds as set forth in the memo dated March 9, 2010, as amended by Mr. Beck. Council Member Cabanilla and Chair Johnson amended the motion as proposed by Mr. Lindberg.

Responding to Mr. Turley, Mr. Garlick said a grant amendment reflecting the budget adjustments for each project will be submitted to DOE for their approval.

The motion to approve the following resolution with the proposed budget amendment for 10% reduction in all projects but the bike lane and an offsetting increase in the energy audit for the City building passed 7:0.

**RESOLUTION 2010- 26**

**A RESOLUTION APPROPRIATING \$1,144,500 IN THE ENERGY FUND FOR OPERATIONAL AND CAPITAL EXPENSES AND APPLYING TO THE FISCAL YEAR ENDING JUNE 30, 2010.**

*E. A public hearing to consider a resolution transferring \$270,000 in the Energy Capital Improvement Fund from West Side Transformer to new Transmission Line Upgrade for capital expenses and applying to the fiscal year ending June 30, 2010.*

Chair Johnson introduced the resolution and invited Mr. Garlick to comment. He said the proposal was to transfer funding from a budgeted project to the transmission line, which is a higher priority. The \$270,000 would be requested for approval in the Transformer Improvement Fund in a future budget. The transmission line is an up grade of a current line from the power plant on 700 North and Freedom Boulevard to the substation at 900 North and 900 East. The upgrade will change the wire size increasing the capacity and growth on Provo's east side. Poles will be taller and larger providing more stability in high winds. More space will be provided for other attachments. About every 4<sup>th</sup> pole will be replaced on 700 North.

There was no response to the invitation for public comment.

Council Member Turley moved to adopt the resolution, an action seconded by Council Member Healey and approved 7:0.

**RESOLUTION 2010-27**

**A RESOLUTION TRANSFERRING \$270,000 IN THE ENERGY CAPITAL IMPROVEMENT FUND FROM WEST SIDE TRANSFORMER TO NEW TRANSMISSION LINE UPGRADE FOR CAPITAL EXPENSES AND APPLYING TO THE FISCAL YEAR ENDING JUNE 30, 2010.**

Council Member Dayton moved to adjourn the meeting, an action seconded by Council Member Hall Everett and approved 7:0. The meeting adjourned at 9:49 p.m.