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## **PROVO MUNICIPAL COUNCIL REDEVELOPMENT AGENCY GOVERNING BOARD Work Meeting Minutes**

1:00 PM, Tuesday, June 06, 2023

Council Chambers

Hybrid meeting: 445 W. Center Street, Provo, UT 84601 or

<https://www.youtube.com/provocitycouncil>

### **Agenda**

#### **Roll Call**

The following elected officials participated:

Council Chair Katrice MacKay, conducting

Council Vice-chair Rachel Whipple

Councilor David Shipley

Councilor Shannon Ellsworth

Councilor Travis Hoban, arrived 1:33 PM

Councilor Bill Fillmore, arrived 1:54 PM

Councilor George Handley (*due to technical issues, Mr. Handley was only able to participate for a few minutes at the beginning of the meeting*)

Mayor Michelle Kaufusi, arrived 1:06 PM

#### **Prayer**

The prayer was given by Katrice MacKay.

#### **Business**

- 1. A discussion on an ordinance amending Provo City Code regarding location of boats, recreational vehicles, and trailers, Section 14.34.060. Citywide Application. (PLOT20230034) ([0:08:55](#))**

Abinadi Borja, Senior Code Compliance Officer, presented. He wants to see enforcement expand equally to all trailers because the current code just addresses boats and travel trailers. The other element to Mr. Borja's presentation is to allow parking in specific areas of the front yard area of a house. There is a 12.5 foot area at the front of a driveway where parking of trailers over 3' high is prohibited, in alignment with a standard of Provo Public Works. They are also having a continuing issue is the occupancy of RVs and trailers on residential properties. They have several issues with ongoing occupants in temporary trailers on residential properties. Mr. Borja said trailers can occupy up to seven consecutive days and up to 30 days in a calendar year total.

Councilor Shannon Ellsworth asked if there are trailers that are three feet or shorter. Mr. Borja indicated that a flatbed trailer when empty is about three feet high. The main concern is with visibility for pedestrians on the sidewalk and of the area connecting the driveway to the street.

Ms. Ellsworth asked why they would not apply the higher standard more broadly to keep it simple. Mr. Borja explained that Public Works' visibility triangle standard is three feet so they kept this ordinance consistent with that standard.

Councilor Rachel Whipple asked about roll-on dumpsters. Mr. Borja indicated that was separate from a trailer. She also asked if someone was doing something like a pod for storage or moving, whether the setback applied to that. Ms. Whipple lived in the downtown area and wanted to understand more about how these requirements and standards apply in older homes in the downtown area that have smaller setbacks. Mr. Borja clarified that these standards only apply to trailers parked off-street; there were different standards that applied to on-street parking of trailers. Ms. Whipple shared additional comments and concerns about this ordinance. Councilor Katrice MacKay noted that this ordinance is making the law and requirements less strict.  
***Presentation only. This item will be scheduled for the Council Meeting on June 20, 2023.***

**2. A discussion on an ordinance amending Provo City Code regarding downtown parking in Sections 14.21A.150 and 14.21B.140 (PLOT20230094) (0:23:16)**

Aaron Ardmore, Planning Supervisor, presented. Staff have presented this item previously and have brought it back to the Council after it has gone to the Planning Commission. This solution seeks to address some issues with parking in the downtown area and changes in the use of existing downtown properties. Mr. Ardmore noted that these requirements would not apply to new construction, so any new construction projects would need to provide the parking spaces required for them. Councilor Rachel Whipple asked if this applies only to commercial uses downtown, or if it included residential uses as well. Mr. Ardmore indicated that some properties downtown may have both residential and commercial uses; the standard applies to any existing properties downtown. ***Presentation only.***

**3. A presentation regarding the Utah Local Technical Assistance Program Concrete Report. (23-047) (0:25:37)**

Gordon Haight, Engineering Division Director, introduced the presentation. David Michelsen, Engineer, presented the concrete report completed by the Utah Local Technical Assistance Program. He said the purpose of the LTAP study was to provide budget estimates of needed sidewalk repairs and suggest priorities for maintenance and repair, obstruction removal, and accessibility. Mr. Michelsen said there are 88 miles of sidewalk missing or not installed, which accounts for about 1/3 of the city. He stated that installing the missing sidewalks would cost over \$200 million to address.

Mr. Michelsen elaborated on the existing sidewalk conditions and said the majority of City sidewalks are in good condition. The study identified 9258 sidewalk distress points in the city (including trip hazards, cracked sidewalk, sagging, and holes) and 1416 obstructions (such as mailboxes or tree branches or landscaping). Additionally, there are 5164 crossing locations with ADA ramps which means 51.5% of locations (with 49.5% missing or incomplete). Mr. Michelsen said that of the needed repairs, 60% relate to vertical separations that are trip hazards from ¼" to 2", which are generally easy to repair. He also explained that more extensive damage requires removal and replacement of the sidewalks. This report did not look at curbs and gutters

but only sidewalks. Some damage may also include damage to (and thus repair to) the curb and gutter. Mr. Michelsen gave more details on ADA ramps.

Councilor Shannon Ellsworth asked if they need to have 2 ADA ramps at each corner, or if they can install one on the corner at a diagonal. Councilor Katrice MacKay asked if corners with one ramp are counted toward the total. Mr. Michelsen said these types of ramps are part of the missing or incomplete ramps as they do not meet current standards. Councilor Rachel Whipple asked when the City started installing ramps. Mr. Michelsen said he did not have that information. Ms. MacKay noted there were current projects where they were installing ADA ramps in older areas of the City. Ms. MacKay asked if that was being done as part of the regular budget for sidewalk replacement each year. Mr. Michelsen shared their project plan process and how they are prioritizing different elements.

Ms. Whipple said she has several neighbors in wheelchairs and asked if she should call in or have the wheelchair users call in if they need a vertical offset. Mr. Michelsen said all of them calling is helpful. They have a large volume of projects to prioritize. Ms. Whipple asked more about their project list. Mr. Michelsen said they try to address citizen calls and then their list, but he noted they try to address areas where they are already doing work to save on costs and do repairs more efficiently. Ms. MacKay said in her neighborhood, there are a lot of mailboxes in the way on the sidewalks which prevents wheelchair users from using those sidewalks. Mr. Michelsen said he met with the USPS several months ago and learned that the postal service's standard is having the mailbox just behind the curb and gutter. They are working through some of those issues, which will be a longer process to address.

Mr. Michelsen shared charts that illustrated the last five years data on their concrete replacement, including curb and gutter, sidewalks, and ADA ramps. Mr. Michelsen shared the LTAP estimates for addressing sidewalk damage, which they estimate at about \$1 million and about \$10 million to replace or construct new ADA ramps. Mr. Michelsen said their staff reviewed these items and made their own estimates based on other considerations (such as current pricing) and estimate about \$4.6 million to address sidewalk damage and \$15.4 million to address ADA ramps. Mr. Michelsen shared their current projects and anticipated completion time based on the current annual budget for sidewalk maintenance. One idea is to make incremental increases to the sidewalk budget to slowly begin to address those needed repairs and expansions.

Ms. Whipple asked if the Council gave them \$16 million and how long it would take to complete all the projects. Mr. Michelsen said if he received all the funding, he would divide the city into four areas with four different contractors, each working in one of the areas. Ms. MacKay asked about the financial projections. Mr. Michelsen said the Provo estimates are more accurate because there are a lot of issues that go into replacing sidewalk that were not factored into the estimates prepared by LTAP. Mr. Michelsen explained the rationale for how they plan their sidewalk projects in order to be as efficient as possible with their use of the budgeted funds.

Ms. MacKay said she has had questions from citizens about the importance of curb and gutter. Mr. Michelsen explained that there are certain requirements of the City for capturing stormwater. Capturing it in the curb and gutter allows this to be handled correctly rather than letting water damage roads, sidewalks, and private properties. Ms. Whipple asked if they have priority for

replacing the old irrigation gutters in the older area of the City. Mr. Michelsen said these are problematic because these usually fall into major capital projects, as they either have to do more work behind the curb and gutter or re-profile the road.

Mr. Haight said there are some issues with asphalt that they also need to address in addition to sidewalks. In looking at the recommendations from LTAP, they suggest trying to clean things up in a ten-year cycle. Ms. MacKay asked if replacing sidewalks is the responsibility of homeowners. Mr. Haight explained that citizens are responsible for clearing sidewalks (i.e., of snow, etc.) but the City is responsible for replacing the sidewalks. Councilor Shannon Ellsworth asked about the ownership of park strips and sidewalks. Mr. Haight indicated that in most cases, the City owns the infrastructure and owns the area to the back of the sidewalk. Ms. MacKay said she had a question about whether new developments have a sidewalk usage fee. Mr. Haight said they do not have that; they do not charge any fees for sidewalk usage. Ms. MacKay asked if they have investigated creative solutions from other cities to fund sidewalk repairs. Ms. Whipple asked about the process of a homeowner having to replace a sidewalk after doing major construction to their home—it can be frustrating when a homeowner has to replace it multiple times because they did not meet certain specifications. Mr. Michelsen said they do not encourage homeowners to replace sidewalks themselves. Ms. MacKay joined in and said she heard differently. Mr. Haight says you do need a permit and commit to not having any trip hazards. He suggests homeowners use private contractors. Ms. Whipple asked if a homeowner was interested in redoing their sidewalk, where they could find resources for that. Mr. Haight mentioned that they could help with that. *Presentation only.*

**4. A presentation regarding efforts addressing homelessness in Provo City - Mountainland Continuum of Care (23-018) ([1:05:18](#))**

Heather Hogue, Mountainland Continuum of Care Project Coordinator, presented. The organization is a federally designated planning body that does strategic planning to prevent homelessness. They have three entities in Salt Lake County, Wasatch County, and Utah County. Continuum of Care is not a service agency; rather, they are a homeless response system for a geographic area of Utah, Summit, and Wasatch Counties. They coordinate with all the various service agencies within these areas so they can address needs, fill service gaps, and avoid duplication of services. Ms. Hogue outlined the things they do. They do annual reporting to identify unhoused population. On July 10, they will release the 2023 point in time count. If anyone is interested in participating, they are doing their next point in time count in January.

Coordinated entry is also a responsibility of the Continuum of Care. Anyone entering the homeless response system is given a universal assessment and then the agencies meet together to coordinate and connect individuals with needed resources, specifically housing opportunities. This is critical coordination that is happening behind the scenes. Ms. Hogue shared a list of the Continuum of Care membership, which included many community organizations including local cities and governments and local non-profits. Ms. Hogue shared current data for Utah County about the homeless population in this community.

Ms. Hogue shared information about several types of services that are available as well as some of the service gaps in the community. One of the service gaps is permanent supportive housing.

This is for people who cannot be housed without intervention (who may be disabled, experiencing generational poverty, or have experienced severe trauma) and it means that the housing has built-in or wrap-around services from professionals. There is a 91% retention rate of people in permanent supportive housing who have retained housing for one year. Councilor Katrice MacKay asked about the Food and Care Coalition and Candlelight Villas. Ms. Hogue explained that this is a different type of service than those organizations and facilities; the people in permanent supportive housing are at a higher level of vulnerability. Ms. Hogue said Provo Housing Authority has converted several of the old hotels on 300 South to permanent supportive housing. Ms. Hogue explained that they contract with two agencies to provide the wrap-around services—Wasatch Behavioral Health and the Refuge are medical organizations with trauma-informed services. Ms. Hogue shared additional insight into permanent supportive housing and how this functions to help people, some of whom will be able to become more self-reliant with the right kinds of support to help them attain a more stable situation.

Councilor Rachel Whipple asked about the services. Ms. Hogue said the services really vary from individual to individual. She said it is not assisted living, it is not a locked down facility, and it is not 24/7 support. Ms. Whipple said some individuals struggle with the structure involved in order to receive housing. Ms. Hogue said she has not seen that as much in permanent supportive housing. For this type of housing, it is their own apartment and it allows for a lot of flexibility and agency. The case management is designed to be individually need-based. Most people who lose permanent supportive housing usually do so because they are unable to set boundaries with people staying overnight (which is usually not allowed). She sees most of the difficulty in that area. Ms. Whipple asked what they do in a circumstance when someone lacks legal capacity. Ms. Hogue said that happens on occasion and that there is an evaluation that can be conducted by Wasatch Behavioral. If more intense services are needed there may be other interventions that would be more appropriate.

Ms. Hogue continued with her presentation, noting that there is a current service gap with the first 90 days of homelessness. Many individuals max out the use of hotel/motel vouchers as they usually cannot find housing quickly enough. There are several options to meet this need that need further discussion as a community. Another gap in the community is enough domestic violence shelter beds. Ms. Hogue shared some of the data from the Refuge and their service data from the last several years. She noted they needed to be able to expand rather than duplicating services with another organization and that it would be great to give them the means to expand. The last service gap is supportive services.

Ms. MacKay said she had met with the Food and Care Coalition, who indicated they noted about a 30% increase in clientele once the Frontrunner was built, due to clients coming in from Salt Lake. Ms. Hogue said that more data gives them better information to understand where people are coming from for services so that service gaps can be appropriately addressed.

Councilor Bill Fillmore asked about whether there has been any initiative taken to partner with the Church of Jesus Christ of Latter-day Saints. Ms. Hogue says they collaborate closely with the faith-based communities in the area. However, it is important that those who are in need of professional help get that kind of help and not only rely on faith-based help.

Ms. MacKay asked about building another new location for the Refuge instead of expanding, Ms. Hogue said since they do their services so well it makes sense to her to expand. But she would not want to bring in another organization to duplicate what the Refuge is doing. Ms. Whipple asked about the gap for the first 90 days of homelessness. Ms. Hogue indicated that the first 90 days are critical. This is usually the minimum window in which someone's problems can be self-resolved. Ms. Whipple asked what the solutions are for this gap. Ms. Hogue said a non-congregate shelter is one solution. Master leasing of hotel rooms or long-term stay hotels are other solutions. She was not sure which one is best for this community, but she thought congregate shelters were problematic. She thought they should consider the needs of the population being served and the needs of the community to consider their solution. She felt what they are doing now is not sufficient.

Ms. MacKay would love to have some kind of symposium or summit with mayors throughout Utah County. Mayor Michelle Kaufusi said they meet monthly with all the Mayors in Utah County. It includes elected officials and they are responsible for implementing HB499. It is the COG leadership that decides all of this. Ms. Hogue said they have been developing plans for a winter response and could share more information. *Presentation only.*

**5. A presentation regarding Fiscal Year 2023 Year End Cleanup Appropriations. (23-008) ([1:58:15](#))**

Kelsey Zarbock, Budget Officer, presented. As they are nearing the conclusion of the fiscal year, they do some projections to identify whether departments will stay within their budgets. Ms. Zarbock displayed a chart of year-end appropriation requests. The requests included:

- \$265,000 for salt and overtime due to heavy snowfall this winter
- \$550,000 for spring runoff prep
- \$439,000 for the Airport (including loan interest payments, vehicle repairs and fuel, and facility maintenance)
- \$2.1 million for the airport CIP (from the ¼ cent sales tax revenue from FY20-FY23)
- \$75,000 for wayfinding project (from scooter revenues)
- \$750,000 for fire equipment (after not receiving a grant they had expected to receive)
- \$65,000 for fire vehicle replacement
- \$13,790 for first year loan payment on a new fire vehicle

Councilor Bill Fillmore asked about the spring runoff expenditures. Jimmy McKnight, Public Works Budget Analyst, answered this question. The material of the sandbags does not have much longevity; once water gets in, the material does not hold up well over time. They are not a long-term solution or purchase. Mr. Fillmore asked some additional questions about how they might utilize these resources. Mr. McKnight shared some of the challenges and says they plan for an average year. This year's snowfall was above average. Pumps can still be used in the future, as well as pipe they purchased. Mr. Fillmore asked about the current water flows. Mr. McKnight said he understood that the highest flows were expected last week.

Councilor David Shipley asked about the conversations they have had about the airport budget and whether the proposed budget going forward factors in the cost of the loan repayment. Mr. Shipley asked about the interest change going forward, but there has also been a general fund



transfer to cover this payment. Airport revenues would cover the new FTEs but he wondered whether airport revenues been projected to cover loan repayment in the future. John Borget, Administrative Services Director, said they would double check this information. Mr. McKnight shared some additional insight into the airport terminal construction process and funding sources, noting that they had understood that if the terminal was successful and needed to expand or grow in the future, there were some potential funding sources available.

Ms. Zarbock continued reviewing the list of appropriation requests. In response to a question from Mr. Fillmore, Jeremy Headman, Interim Fire Chief, shared additional details about the apparatus that would be purchased with the requested funds. ***Presentation only.***

**6. A discussion regarding the adoption of the 2023-2024 Annual Action Plan. (23-027) (2:17:11)**

Melissa McNalley, Community Grant Administrator, presented. She previously presented on this at the end of April, which initiated a public comment period which ends at the Council Meeting that evening. Ms. McNalley summarized the total amount of funding that they have for the Annual Action Plan. She also gave a summary of the projects they are proposing funding for. Councilor Rachel Whipple thanked Ms. McNalley for her work on these grants. ***Presentation only. This item was already scheduled for the Council meeting on June 6, 2023.***

**7. A discussion on an ordinance amending city code regarding apartment building signage requirements. (23-048) (2:20:40)**

Melia Dayley, Policy Analyst, presented. This item was a request of several Councilors and staff have prepared an ordinance amendment addressing this solution.

Councilor Katrice MacKay asked if the sign should specify that the sign be street-facing. Ms. Dayley said they could update the ordinance to specify that. Ms. Dayley said they have built in a timeline of six months to allow properties to come into compliance with this ordinance.

Councilor Bill Fillmore asked about adding language to specify the signage is street-facing, and also on the main street that is the entrance to the complex. Ms. MacKay invited comments from other councilors. Councilor Shannon Ellsworth asked if there were other cities in Utah that do this. Ms. Dayley said they were not aware of any others in Utah, but they identified cities in other states. The examples they pulled were the simplest ordinances they could find, which included Austin, Texas and New York. There are some states with a state-level requirement, so there is a multitude of available examples. Councilor David Shipley asked them to show the apartment building definition. Apartment building is defined in code as containing five or more units, so it would not include a duplex or four-plex.

Brian Jones, City Attorney, said that often there are apartment complexes which may include multiple buildings that may not even face the street. He asked if they are looking for a sign for every building or a sign for the entire complex when it comes to multibuilding complexes. Ms. Dayley said there are examples from other cities that specify a sign at the main building, or one at the main building and two (or other number) other signs in a conspicuous place on the

building. Other ordinances specify all buildings. Ms. MacKay requested that staff look at some other options. Mr. Fillmore shared additional thoughts on the sign placement. Ms. Ellsworth asked how this would work if a complex is condominiums with separate owners. Mr. Jones said that condominiums would also qualify as apartments and apartment buildings under the current code definitions. Ms. Ellsworth was trying to clarify if a building with 20 different owners needed 20 different signs. The Council asked if there were apartment buildings that did not have an HOA. Mr. Jones shared an anecdote of a recent issue. They may need some additional staff research on this. Ms. Ellsworth thought the Council needed to be clearer about the intent behind this ordinance. She wondered if the intent was to allow passerby to report visible issues to a property manager, or if the intent was to help tenants; she had heard different things about the intent. She felt there were some complex elements that have not been addressed.

Ms. MacKay said this item was citizen-initiated by citizens in areas with apartment buildings that are not well-maintained. Ms. MacKay thought the intent was to cut down on 311 and police calls. Ms. Ellsworth wondered about the feasibility of this. Ms. Dayley wondered if language such as “an owner or a coalition of owners within a building” would be suitable language to address that concern. Ms. Ellsworth shared thoughts about additional complications. Ms. Dayley indicated they could look at some additional examples and criteria.

**Motion:** Rachel Whipple moved for staff to look at other municipalities for posting and other requirements, to explore how this would work with condominiums with multiple owners, complexes with multiple buildings, whether there is a way to automate what information can be published online as a supplement, and minimums (of number of apartments that comprise an apartment building). Seconded by Bill Fillmore.

**Vote:** Approved 6:0, with George Handley excused.

## **8. A discussion regarding property tax (23-008) ([2:41:05](#))**

Justin Harrison, Council Executive Director, presented. Mr. Harrison shared some information on the discussions which have been had thus far regarding a potential property tax increase. He outlined the timeline of these discussions as well as the upcoming dates and deadlines the Council must meet if they decide to pursue a truth in taxation process. Mr. Harrison shared a list of requirements for the City if the Council pursues a truth in taxation process.

Mr. Harrison gave some background information on property taxes in the City. The City’s property tax is in four different rates:

- General operations
- Interest and sinking fund/bond
- Library
- Discharge of Judgement (which is not currently used by the City)

Brian Jones, City Attorney, explained the discharge of judgement category and its purpose and use, if the City ever needed to use it.

Mr. Harrison shared the recommendations of the Library Board. The Library Board has recommended a \$100,000 increase for each of the next five years. Councilor Rachel Whipple asked for some clarification about the projections and recommendations and Mr. Harrison



responded to this. Mr. Harrison shared a spreadsheet showing some calculations for the projections of the library portion of property tax. They are waiting on the latest valuation figures from the County for 2023 property valuations. Councilor David Shipley commented on the reserve fund for the library and how the property tax was allowed to help it become a fund to maintain the building. He asks if they correct the financial predictions once a year or multiple times a year to ensure the library has the necessary funding. He asked if that would close the gap or if they would still be short. He believes it might be helpful to go to the public and explain they need to account for inflation.

Carla Gordon, Library Director, shared some comments. She explained that there is some deferred maintenance at the Library which has not been budgeted. John Borget, Administrative Services Director, shared comments and said the Provo Foundation also has a Library Legacy fund set aside for the Library. He shared that simply as additional insight into some of the resources and facility planning for the Library. Ms. Whipple asked if they would be setting the rate and it would stay there for the future. Her main concern was that if the Council did this first year of truth in taxation, there was not a way for them to bind future Councils to follow through on doing the annual truth in taxation process. Councilor Travis Hoban asked what the Provo School Board was doing this year. Councilors did not think they were doing anything this year.

Mr. Harrison shared some details on inflation in the western states and across the United States in recent years. He then moved onto the General Operations portion of the City's property tax revenue. Mr. Shipley asked about the cost of adding a new police officer (including equipment), which Mr. Harrison indicated was shy of \$130,000. Mr. Shipley said his expectation with the property tax discussion each year is that they have a nominal, modest increase each year to help with public safety each year. Councilor Bill Fillmore said his understanding is that Provo still has a deficit of total police officers. *Presentation only.*

**9. A discussion regarding housing affordability strategies. (23-043) (3:13:16)**

*This item was continued to the next Work Meeting on June 20, 2023.*

**Redevelopment Agency Governing Board**

**10. A discussion regarding RDA strategy (23-045) (3:13:24)**

Shannon Ellsworth, RDA Chair, introduced this item which was intended as a discussion for the board members. Ms. Ellsworth has heard from board members that they would like to see more proactivity and strategy from the Redevelopment Agency Governing Board. She thought it was important to identify what their economic goals were and what they hoped to accomplish, as well as identifying the RDA's role with respect to those goals. Ms. Ellsworth indicated that other states have stricter requirements for how tax increment financing (TIF) is used. She thought it would be beneficial to have some more guidelines in place for when the RDA uses TIF. Travis Hoban, RDA Vice-Chair, thought it would be helpful to be more intentional with the RDA as a tool and be more proactive; he thought they could do more than they currently were doing.

Katrice MacKay, RDA Board Member, thought that there has been some change on the administration side which would hopefully help. She wanted to address things as they come up, especially since there has been a change in staffing. She would like better communication, so the Board is more aware of possible projects or items that are up for consideration before the Board.

David Shipley, RDA Board Member, shared that there were certain types of projects and opportunities that seemed like obvious priorities for the RDA, such as remediating blighted properties. For situations like giving a boost to companies, he was less certain that those were always the right opportunities. He thought the role of economic development was slightly different yet complementary to that of the Redevelopment Agency.

Rachel Whipple, RDA Board Member, thought that some type of regular reporting that came to the RDA Board would be very helpful (similar to the CIP for the entire City). In her experience, it seemed that often, the RDA Board does not have all the information they need to make decisions. She thought better communication and reporting would be very useful, including regular written reports to the entire board, as well as having items come to the entire board so they are on the same page. Ms. MacKay agreed with Ms. Whipple's comments. The Council has followed a similar structure of bringing all policy discussions directly to the entire body. She supported eliminating the RDA Executive Board in favor of bringing items directly to the entire Redevelopment Agency Governing Board. At this juncture with new RDA staff, the RDA Board Members are interested in discussing their vision. Ms. MacKay thought it was an opportunity to eliminate the RDA Executive Board.

Bill Fillmore, RDA Board Member, agreed with many of the comments made. The RDA is a useful tool that he felt has been underutilized for economic development, affordable housing, and more. He thought Keith Morey was perfect for the job and he wants to get things going with the RDA. He is concerned about the assumption that everyone has the right to a TIF. Mr. Fillmore wanted Mr. Morey to pre-screen applications and come up with minimum criteria. Ms. MacKay wanted clarification on whether the State already gives a requirement.

Mr. Morey said yes and that he has a lot of thoughts on that. He said that TIF is one of very few tools. There are other states that provide other limitations on how TIF can be used, but in most instances, those states have many other tools available to them to utilize. Utah is quite different from many of those states, so restricting TIF further was concerning to him. He encouraged the RDA Board to be cautious in proceeding. He said Provo can leverage this tool quite effectively to retain important businesses in the City.

Mr. Fillmore asked about the additional tools in other states and how if Utah wanted to use those additional tools. Mr. Morey responded and said it would have to come from the State legislature and the states that are already utilizing other tools also have more money. One example is Texas and how it gives huge incentives through financial opportunities. Provo is different in that they have put quality of life over financial incentives. TIF is the only tool they have at this point. Mr. Fillmore was interested in education about these other tools.

Ms. Ellsworth agreed with the suggestions of having monthly or quarterly reports to the RDA Board from RDA staff. She also suggested that the Council do something similar with Economic

Development. She asked if there was a list of the economic policies adopted by the Council, and if those things were supported by the RDA board. She thought that would help the RDA board move toward having more strategic proactive discussions. Mr. Shipley asked if the RDA board could have another discussion like this in the future so the Administration could come give them an update and be involved in that discussion of where the RDA is going.

**Motion:** Katrice MacKay moved to change the bylaws so they can hold RDA meetings as a collective board of 7 and to eliminate the RDA Executive Committee. Seconded by Bill Fillmore.

Brian Jones, City Attorney, clarified that the Mayor, as CEO of the Redevelopment Agency, is a member of the RDA Executive Committee, but she is not a member of the RDA Governing Board. Mr. Jones explained what the bylaws say about the executive committee, its purpose, and composition. He gave several examples of potential motions that the Board could make to accomplish what it seemed they wanted to accomplish. Ms. Ellsworth noted that they do need to amend the bylaws to update the address of the Redevelopment Agency, so it was possible they could include this amendment as part of the amendments to be considered at a future meeting.

Mr. Shipley wondered if there were some unintended consequences of eliminating the RDA executive committee. Mr. Morey shared some thoughts in response to this. He shared some potential scenarios in which the presence of the RDA executive committee could be problematic, but he thought it made sense to eliminate it. Ms. Ellsworth said there were some communication issues. The RDA Chair and Vice-chair should still meet with administrative staff regarding incoming projects or applications. She noted some situations in which the Council chair or vice-chair were aware of RDA items that had never been forwarded to the RDA Chair or RDA Vice-chair for placement on a meeting agenda.

Mr. Jones noted that some of the communication issues may be a holdover from the time when the Council Chair and the RDA Chair were the same person. Mr. Jones shared some insight into some of the communication issues that may be able to be addressed by Council staff in the process for how meeting agendas are developed and compiled. Mr. Jones noted that doing away with the executive committee would not preclude the ability of the agency CEO to speak or meet with the Agency chair and vice-chair. He did not see any specific downside of doing that and said the only upside of keeping it is just if there were a specific purpose of that committee that they would like to continue.

Mr. Shipley did not hear a main purpose of the executive committee that could not be solved by a regular report and regular discussions of the RDA Board. He thought the Board could hear the regular reports in a Work Meeting setting.

Ms. Ellsworth said that the bylaws had been changed recently from specifying monthly RDA Executive Committee meetings to just a quarterly meeting. Ms. Ellsworth asked Mr. Jones She recalled that the only time the RDA Executive Committee met in order to respond to an RFP or RFQ. She asked if that needed to be taken to the RDA Executive Committee or if it would have been able to come to the full RDA Governing Board. Mr. Jones responded saying that there was some ambiguity in the bylaws and he thought that probably needed to be addressed. Ms.

Ellsworth asked about having a second and then having a conversation on the motion. Mr. Jones said the mayor's role as an executive member is not as defined. He explained that nothing in the bylaws says an issue must go to the executive member before it goes to the board. He gave a few options to define that even more. Ms. Ellsworth proposed the need to eliminate the executive committee and then better redefine the processes in place. Ms. Whipple made note of the unintended consequences and asked if there any sensitive real estate conversations that would have to happen with the whole board. She wondered if this could happen in a closed meeting, which staff indicated was the case. Ms. Whipple mentioned that when items are requested by chair, or by a majority of the board, the Board would need some kind of analogous process as the Council to bring those up. Ms. Whipple wants to start strategizing and envisioning things. She thinks it would be helpful to have more regular board meetings.

**Vote:** Approved 6:0, with Board Member George Handley excused.

The RDA chair and vice-chair could bring back some recommendations on the bylaws and can work with RDA administrators to work on better communication with the board. Ms. Ellsworth referenced a shared services agreement which they will circulate to the board members and have on the next meeting agenda. Mr. Jones thought it would be logical that the Council staff, through the shared services agreement, provide the similar types of support to the RDA board as they do to the Council. Due to the separation of powers, the RDA board would have some control over those employees versus the other RDA employees which are under the direction of the RDA CEO. The revised bylaws would be brought to a future RDA Governing Board meeting.

The Council reconvened to consider holding a closed meeting.

### **Closed Meeting**

The Municipal Council or the Governing Board of the Redevelopment Agency will consider a motion to close the meeting for the purposes of holding a strategy session to discuss pending or reasonably imminent litigation, and/or to discuss the purchase, sale, exchange, or lease of real property, and/or the character, professional competence, or physical or mental health of an individual in conformance with 52-4-204 and 52-4-205 et. seq., Utah Code.

Brian Jones outlined the statutory basis for the closed meeting, which related to personnel character and competency and a property sale.

**Motion:** David Shipley moved to close the meeting. Seconded by Rachel Whipple.

**Vote:** Approved 6:0, with George Handley excused.

### **Adjournment**

*Adjourned by unanimous consent.*