

Pending Minutes – Awaiting Approval

Please Note – These minutes have been prepared with a timestamp linking the agenda items to the video discussion. Electronic version of minutes will allow citizens to view discussions held during council meeting.



PROVO MUNICIPAL COUNCIL Redevelopment Agency Governing Board Work Meeting Minutes

12:00 PM, Tuesday, July 18, 2023

Council Chambers

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

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

Agenda

Roll Call – Municipal Council

The following elected officials participated:

Chairperson Katrice MacKay

Vice-Chairperson Rachel Whipple

Councilor Shannon Ellsworth

Councilor Travis Hoban

Councilor Dave Shipley

Councilor George Handley

Councilor Bill Fillmore

Mayor Michelle Kaufusi

Approval of Minutes

May 16, 2023 Council Meeting

June 20, 2023 Work Meeting

Approved by unanimous consent

- 1. An Ordinance Amending Provo City Code to Expand Prohibitions on Depositing Materials on Sidewalks and Streets and to Regulate Street Parking of Recreational Vehicles, Boats, and Trailers. (23-054) ([00:07:25](#))**

Sandy Bussio, Parking Program Manager, presented.

She displayed pictures of different types of items the code enforcement team had documented and stated that the statute as written didn't give them the authority to remove them. Their idea would be to document the location of the item, remove it, and then bill it to the property owner the item was left on.

Councilor Rachel Whipple asked what the city's recourse would be if someone denied ownership of the removed item. Ms. Bussio replied that they would have to work with Brian Jones (legal) when that happened to determine the best course of action. Ms.

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Whipple asked, “We do not have the authority now, correct?” Ms. Bussio replied, “Yes that’s correct.”

Ms. Whipple then asked, what about gravel or rock piles, say if someone was adding landscaping to their home. Ms. Bussio responded that generally they allow an object to remain in place 72 hrs. prior to posting any kind of notice that the object needs to be removed.

Councilor Rachel Whipple asked if cars parked mostly on a property’s driveway, but part of the car extended into the sidewalk was illegal and Ms. Bussio stated yes that is correct.

An Ordinance Amending Provo City Code To Expand Prohibitions On Depositing Materials On Sidewalks And Streets And To Regulate Street Parking Of Recreational Vehicles, Boats, And Trailers. (23-054) ([18:19](#))

Ms. Bussio then presented proposed language for a new subsection Code 9.31

Councilor Whipple asked if they had given any thought about leaving instructions with the permit, prior to an actual citation. Ms. Bussio stated that the first offense would get a written warning, the second a fine and so on.

Councilor Whipple also asked about the possible scenario where someone obtained a permit, moved their trailer for a day, and someone else took their place. Ms. Bussio stated that as of right now, permits were going to be issued if the owner said the vehicle/craft/trailer was remaining stationary but that was a good scenario that she would give thought to.

Presentation – also heard in Council Meeting for possible action on July 18, 2023.

2. An ordinance amending the Zone Classification of approx. 1.36 acres located between 5065 N Canyon Rd & 5075 N Canyon Rd, From One-Family Residential (R1.20) to One-Family Residential (R1.10). N Timpview Neighborhood. (PLRZ20230073) ([23:42:00](#))

Presenter, Dustin Wright – Planner, Provo City Development Services

Property owner Boyd Loveless is requesting a Zone Map Amendment from the R1.20 zone to the R1.10 zone for three existing residential properties, located between 5065 N Canyon Rd. and 5075 N Canyon Rd. This covers approx. 1.3 acres in the North Timpview neighborhood area.

Mr. Wright stated that by making this request, which will reduce zoning from 20,000 sq ft to 10,000 sq ft. per lot, it will help bring the properties closer to match the

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current code as it is written. The current homeowner wants to make some changes to his property. The property is otherwise in compliance with the current code.

Councilor Rachel Whipple asked, “So, even with this change, not all lots will be in compliance?” Mr. Wright responded that some lots will not totally fit the compliance regulations, they would be a little shy.

Councilor Whipple again asked, “So they’re still not in compliance completely? Mr. Wright responded with “correct.”

Presentation – also heard in Council Meeting for possible action on July 18, 2023.

3. A resolution instituting a Fire Restriction Order (23-052) ([28:14:00](#))

Presenter, Lynn Schofield, Fire Marshall

Due to the abundance of a wet winter season, the asking for this resolution was delayed. At this time, I seek a fire restriction order, Level 1 located from Provo City Watershed by Springville and the areas bordering the mountains. Seeking permission to order with it being published on Wednesday, July 19, 2023, and taking effect Thursday, July 20, 2023.

Referencing a slide presentation, he noted that in the last seven days have had 3 brush fires, one started from a spark off a mower.

Councilor Rachel Whipple referend the Notice of Fire Restrictions included in the meeting items packet – she was curious about the paragraph that referenced “permanent fire pits on residential properties.” She asked Fire Marshall Schofield if there was a defined definition of “permanent.” Marshall Schofield stated that if it was on a private residence, they (the Fire Department) were lenient as to what determined a fire pit.

Marshall Schofield noted that the season is already starting out hotter and dryer than they anticipated, other outreach efforts were being made by the Fire Department, such as Capt. Atherton speaking with local media

Councilor George Handley asked if there would be any follow-up reporting to the Mayor and Council of any reportable data based off this resolution or other educational outreach efforts. Marshall Schofield said yes.

One of the Councilors asked about fireworks and the discharging of them – could they be restricted. Marshall Schofield said they as an agency are doing everything can, monitoring conditions, issuing temporary halts to activity etc. He stated that when “red flag warnings” are issued – the citizens of Provo have been very good about responding positively to them and following what is asked. There are some state statutes that tie their hands.

Presentation – also heard in Council Meeting for possible action on July 18, 2023.

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4. An ordinance amending the General Plan to adopt the Conservation and Resiliency Plan. Citywide Application. (PLGPA20210367) ([\(36:31:00\)](#))

Presenting, Hannah Salzl, Sustainability Coordinator

This has branched off the General Plan which gave us some good starting points but have gone back and re-worked the ideas with the mayor's sustainability group and refined according to the concerns expressed. She showed a slide outlining the general workflow process of different groups' involvement with the process.

The final product has the plan focusing around Eight Elements. One is not higher than the other, they are all rated equally to the plan. The elements consist of:

- Fire Risk
- Carbon Emissions
- Air Quality
- Renewable Energy
- Urban Nature
- Waste Diversion
- Water
- Mobility

There are no requirements set by the state for any of these areas. While researching, other benchmark cities were compared along with our fellow city partners and what our residents wanted as well.

Key performance indicators are used – one per element so data can be measured and recorded, and progress tracked. Benchmarks and targets are used as well in order to track progress.

Within each elemental target there are 6-11 goals, with an overall total of 21 which we felt was not unmanageable.

Ms. Salzl then proceeded to take the participants through the goals and indicators set for each element as follows (as shown in a slideshow presentation):

Councilman George Handley asked how the carbon emissions were calculated. Ms. Salzl answered that it was through consultants who went through any emission source within the City of Provo. She didn't have the inventory so cannot state specifically what they reviewed.

Ms. Salzl stated that this can be impacted by factors outside the city (weather patterns etc.) The State of Utah's expert was consulted, and he recommended these numbers.

Mr. Handley asked if we were aware of what behaviors influenced any surveys or data. Ms. Salzl stated that air quality is a hard category to track data in because we as a city

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could be doing everything right to improve our air quality, however there are outside factors that contribute such as traffic on the highway or motorists passing through town on their way to somewhere else (outside of town) – the data that currently reflects air quality is an indication of multiple aggregate behaviors. Since we can't really set goals for things we can't control but we can try to monitor higher level goals to match our other dates that we've set.

Ms. Salzl stated that Provo Power is on top of the renewable energy metric and they plan to continue along the same path.

Councilor Handley asked about what types of renewable energy were currently being used or looked at. Ms. Salzl turned the floor over to Scott Bunker, Assist. Director of Provo Power to answer that question.

Mr. Bunker stated that they're looking to partner with the community and see if there are incentives, they can provide to encourage people to use electric vehicles or other renewable sources as they're developed, and they already have started converting their power plant equipment to meet the goal of 100% renewable energy. Another possibility could be looking into starting/maintaining a solar farm if agreements can be reached with landholders and they're also looking to collaborate with Spanish Fork. They announced one initiative but received very few applications so they're evaluating what would get more people involved – perhaps more education.

Ms. Salzl asked if there were any more questions, when there were none, she went on to her next topic.

Ms. Salzl extended a thank you to Provo Parks & Rec. for helping collect the data.

Councilor Shannon Ellsworth asked if the plan specifically stated where the tree coverage was to be located and Ms. Salzl replied that in the plan it is noted that there is an unequal dispersion across the city but they wanted to leave some room so they can plant trees where and when as needed.

Ms. Salzl stated that prior data measured diversion rates – however, it was discovered that we could divert 100% waste, but the contamination rates would skyrocket which then in turn would cost the city money in de-contamination processes. Further survey and research will be going forward to see what parts of the city may need to be targeted for increased education and practices purposes. Also, per a state metric that was taken a few years ago, Provo fell in their “purple zone” which meant that we were below the benchmark they had set for us so we're moving in the right direction. We need to continue to look at and value what should be waste and what we can educate the public about and turn into other resources.

She went on to say that we will get a more accurate picture once the transfer station is complete.

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Councilor Rachel Whipple stated “So on the other side, we could divert nothing and see how those numbers then reflect and would be opposite to your plan’s goals – so having the two together is hopefully the right direction. It seems like a tricky percentage but somewhat pushes you to identify what direction to take this area in.”

Ms. Salzl said there are some ideas in the area but as we’re just getting going, we might need to have a broader conversation with Public Works and Sanitation in addition to the community.

Past data didn’t consider that cars were getting more efficient, and the newer technology being used in cars (electric vehicles, hybrid motors etc.) “This is the best metric to use for this category,” said Ms. Salzl. The metric is used 50% in the city where it starts, and 50% where it ends. Therefore, the cars who pass Provo on I-15 or the train systems are not counted.

Presentation – also heard in Council Meeting for possible action on July 18, 2023.

1. A discussion regarding housing affordability. (23-043) ([01:33:37](#))

Presenter, Sarah Van Cleve, Executive Director for Provo City Housing Authority

Director Sarah Van Cleve started off by providing a little background on the Housing Authority. She stated that the federal government has provided 883 vouchers equivalent to \$7.1 million annually to Provo and she’s happy to report that they are currently 100% utilized. The Housing Authority has traditionally been used to serve those making 30% under the area median income.

Land trusts can be used to serve those who didn’t meet the old voucher criteria, typically the median income earner.

The only way to win the housing crises is to add affordable units – 30% of your gross income in rent and utilities. The land is held in a trust – and the building is separated from that and sold independently. Most leases are 99 years, and the family can focus on just purchasing the house.

There are resale restrictions on the homes so that the next person can come and have the same affordable housing opportunity. The Utah Regional Housing (non-profit) is looking to use tax credits and partner with Provo to find land to start this process in Provo.

Councilor Rachel Whipple asked where they are with the creation of the land trust process. Ms. Van Cleve replied that the process to create the entity is with the attorney – just waiting for the final paperwork to go through.

Ms. Van Cleve continued; homeless people traditionally have the stigma of “oh they have barriers” but we all have barriers whether it be credit, previous eviction or foreclosure, etc. Her goal with the housing authority is to make homelessness rare, make it brief, and make it one time.

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They also want to have resources that support the different types of barriers that people face – help them remove those barriers so they can progress and become contributing citizens. We want people to work where they live.

Councilor George Handley asked “What if we decided we wanted a bigger project, how would that look? Would we have to come up with the money to create a land trust or?” Ms. Van Cleve replied, “No because we’ve already created one – the donation of land is the best because if the Housing Authority doesn’t have to pay for the land, but we work as a developer to build the homes – like a general contractor – we can put more funds towards that.”

Councilor Rachel Whipple stated, “We want to be able to approach this topic smartly, I know what you’re adding is a valuable option for people now, there are all kinds of fields that we can do but the most important thing is that we have a plan and what we want it to look like going forward, we don’t want it to appear that we’re all over the place.”

Ms. Van Cleve responded, “We want you to know that is part of the Housing Authority’s responsibility, to make sure that whatever you guys are talking about in housing, in your city plan, that our plan is cohesive to your plan.”

Presentation only

2. A Presentation Regarding Efforts Addressing Homelessness in Provo City – The Refuge (23-018) ([2:00:43](#))

Presenting, Ashlee Taylor, Executive Director

Ms. Taylor stated that they serve victims of domestic violence and sexual assault. Providing caring, advocating and educationally based environment for survivors of those experiences.

They offer wrap-around services that support victims in multiple ways to help them escape their situation. A 24/7 crisis hotline, transitional housing (6-24 mos. for those fleeing domestic violence) and limited assistance with security deposits, rent etc.

Another service they provide is having sexual assault advocates who are trained hospital response advocates and can go with the person to the hospital to help keep track of information and data, so the victim has one less worry to focus on. In addition, they can provide follow-up case management, assistance with applications to start a new successful life. Also, they provide individual and group therapy– all services are free of charge.

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The transitional housing program has 8 units located on campus so individuals can still access services, as well as 16 units off site that have been very successful helping people transition as well.

The Refuge serves Utah, Juab and Wasatch Counties. 51% of the clients are females between the age of 19-33. 45% of those staying in our safehouse are from Provo or Orem.

Domestic violence has more than doubled in the past three years. Currently it is estimated that law enforcement advocates are working with approx. 4,000 victims at any time.

The Refuge does staff 25 emergency beds available for domestic violence victims and their children fleeing abuse. 480 individuals were turned away last year due to current facilities being full. In 2022, 37.7% of homelessness in our Continuum of Care area was a result of domestic violence. (Annual Data Report on Homelessness, DWS 2023)

They are currently seeking the ability to expand services; they have been granted a rezone in Orem to expand to 120 emergency beds vs the 25 now.

Chair MacKay stated she had not heard that about Orem and that was wonderful news and thanked them for their time and presentation.

Presentation only

Chair Katrice MacKay then recessed the body as the Provo City Council with no objections.

Chair Shannon Ellsworth then reconvened the body as the Redevelopment Agency of Provo

Roll Call – Redevelopment Board

The following elected officials participated:

Chairperson Shannon Ellsworth
Vice-Chairperson Travis Hoban
Board Member Katrice MacKay
Board Member Rachel Whipple
Board Member Dave Shipley
Board Member George Handley
Board Member Bill Fillmore
CEO Michelle Kaufusi

3. **A discussion regarding expanding the tax increment finance agreement with Rivers Edge on University (The Mix) (23-045). ([02:42:55](#))**

Presenting, Keith Morey, Assist. Director, Developmental Services

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Mr. Morey- Circling back to answer any questions and provide direction needed to move forward. Would rather be proactive with a question answer session before bringing forward a draft you didn't like and then having to take it back.

Mr. Morey continued. Brighton Homes is very committed to bringing something back to Provo – specifically in the area they remember going to movies and other activities. They're asking for the clock to be reset because they got involved in the project after it had started, from 2021 – 2025 (for tax increments) and to slightly enlarge the tax increment as well to 2.5 mil. The economy is different too than when they agreed to take it on. They want to invest and be a part of the community, but they need some help from the Council and the City to do so.

“I would encourage you to support their efforts as they are an example of what development and redevelopment is about,” Mr. Morey said to close his comments.

Board Member Katrice MacKay asked, “so just to be clear – you're wanting us to make a motion to guide you in the way you should go?”

Mr. Morey replied – there's two asks, one is to shift the start date of the TIF and then the other is to increase the total amount of the TIF.

Sean Holmes – owner of Brighton Communities came up and said “I'd be happy to walk you through what we're planning to do.”

Mr. Holmes continued - The back has been rezoned with the idea in mind that it would hold family/residential units, a one-bedroom apartment type plan with approx. 247 units and then more of a town home plan and there would be approx. 169 units there. Along with those we've created some ideas for like drive-thru type restaurants along with some office space. It just depends on the tenants that we attract.

We purchased the property right before everything got crazy with Covid and then of course we've had a lot of cost escalation and what that did to us is traditionally you'll sign a lease with a tenant and then go through the architecture design/build but with how much prices climbed we're having a hard time getting commercial investors to commit.

Chairperson Shannon Ellsworth asked if there was a motion from the board on the first item of “resetting the clock on the bond.”

Board Member Dave Shipley said “I'll make a motion” with Board Member Katrice MacKay adding a second vote.

The members voted in favor of the first motion 6-0.

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Board Member George Handley then made a motion to increase the tax increment amount to \$2.5 million with Board Member Rachel Whipple seconding the motion. Each board member was then called on to vote.

The motion was passed 5-2.

A discussion regarding expanding the tax increment finance agreement with the Noorda College of Osteopathic Medicine (23-045). ([03:18:47](#))

Presenting, Keith Morey, Assist. Director, Developmental Services

Mr. Morey – We are here to participate in a discussion regarding the expansion of the tax increment that has been awarded to Noorda College of Osteopathic Medicine based on the environment changing and the opportunities to expand the scope of the project. We would like to remind the council that this group came in and partnered with us to turn a piece of land that was sitting idle into a huge benefit for us as this property hasn't been on our tax rolls for decades. We felt strongly enough about this that we asked the golf course to work with us in shifting their layout, which they did. What we are asking for today is that the council consider including the building that is near completion into the tax incentive that has been passed for the rest of the property. Traditionally tenants avoided that area because they feel the city has neglected it. By the two colleges setting roots and investing they believe that can be the start of the revitalization to the south end of Provo. Mr. Morey believes this to be an incredible group of people that have an incredible vision, and he strongly supports this request.

Board Member Dave Shipley – I'm trying to wrap my brain around it – seems like there's four pieces to this. There's one that they want the clock reset, right? Yes, okay then two they want increased amounts on the existing agreement already – so expanding the existing agreement already and then pulling in the building that wasn't included, that's the one I have the most trouble with. It seems odd to me to offer TIF on that – I'm more comfortable with resetting the clock.

Shawn Port, investor in Noorda College then came to the podium and introduced himself. The reason we are asking for this is as we were having discussions with Keith it was Dixon (Holmes, Assist. Chief Administrative Officer – Provo City) who came and said we should try to include that building because it will immediately pay the city back for the money that they invested in the golf course because property taxes will start on this building immediately whereas on the other properties, they are still 2 – 3 years out.

Board Member Shipley – I'm not sufficiently educated on how we use TIF where I'm ready to vote and if we held a vote right now I would have to say no. My concern is about being perspective and I don't yet have a good way of evaluating the numbers for it. I would be ok with the rest of it if we left the building out.

Board Chair Shannon Ellsworth – so the motion is to bring back a resolution that doesn't have the building included.

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Board Member Katrice Mackay – I'll make an amended motion that we want to compare the TIF as is with the building and the TIF without the building and have both of them come back to us for a vote. Board Member Rachel Whipple seconded it.

The motion passed unanimously, 7-0.

Chair Shannon Ellsworth then adjourned the Redevelopment Governing Agency of Utah.

Reconvened as Municipal Council and Chair MacKay moved to closed session.

Motion was passed unanimously 6-0. Bill Fillmore was excused.