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## **PROVO MUNICIPAL COUNCIL**

### **Regular Meeting Agenda**

5:30 PM, Tuesday, February 06, 2024

Council Chambers

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

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

#### **Opening Ceremony**

#### **Roll Call**

THE FOLLOWING MEMBERS OF THE COUNCIL AND ADMINISTRATION WERE PRESENT:

Councilor Becky Bogdin

Councilor Gary Garrett

Councilor Travis Hoban

Councilor Rachel Whipple

Chief Administrative Officer Scott Henderson

Council Executive Director Justin Harrison

Councilor Craig Christensen

Councilor George Handley

Councilor Katrice MacKay

Mayor Michelle Kaufusi

Assistant City Attorney Gary Millward

City Recorder Heidi Allman

Conducting: Chair Katrice MacKay

**Prayer** – Priscilla Flores

**Pledge of Allegiance** – Councilor Garrett

#### **Presentations, Proclamations, and Awards**

##### **1. A presentation of the Quarterly Report for the First Quarter 2024 (24-018) [0:23:40](#)**

John Borget, Director of Administrative Services, delivered a presentation, outlining the purpose of the quarterly report. He emphasized that the report provides an unaudited summary of revenue and expenses for the first quarter of fiscal year 2024. Mr. Borget noted that the city is currently trending approximately two million dollars down and emphasized the need to plan accordingly. He went on to discuss the influences of sales and rap taxes, as well as fees and revenues from various departments, providing insights into expenditures.

#### **Public Comment**

Chair MacKay read the public comment preamble and opened the public comment period.

Eric Chase, of Provo, expressed concerns about the discussion during the work meeting regarding the temple and its plans for the street when vacated. He mentioned that according to the information provided in the meeting, the temple plans to add 1000 new parking spaces. However, upon checking Google Earth and Design Review documents, he found that there are currently around 620 parking spaces between the two existing lots. He emphasized that the temple's proposal includes a total of 1493 parking spaces on the property, with an additional 152 on-street parking spaces. Mr. Chase finds the idea of vacating city property for parking, especially with the opening of other temples in Orem and

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Heber, to be questionable. He believes that dedicating this space primarily for parking may not be a favorable arrangement for the city.

With no other comments, Chair MacKay closed public comment.

### **Action Agenda**

**2. A resolution consenting to a board and commission appointment or appointments (24-005)**  
[0:36:21](#)

**Motion:** An implied motion to approve Resolution 2024-5, as currently constituted, has been made by council rule.

Mayor Kaufusi presented. She recommended Rachel Whipple to serve on the Library Board with the term ending December 31, 2025.

Chair MacKay called for a vote on the implied motion.

**Vote:** The motion was approved 7:0 with Councilors Bogdin, Christensen, Garrett, Handley, Hoban, MacKay, and Whipple in favor.

**3. A resolution approving the appropriation of \$119,000 in the General Fund for a Mid-Year Market Adjustment for Firefighters (24-006)** [0:38:02](#)

**Motion:** An implied motion to approve Resolution 2024-6, as currently constituted, has been made by council rule.

Daniel Softley, Human Resources Division Director, presented. He discussed the challenges that the city is facing regarding recruitment pressure for trained paramedics. He said these funds will be used to adjust the top of pay grade to be comparable with those across the state and increase the starting pay.

Councilor Bogdin shared her support of training and retaining paramedics. She requested more information on where the funds will come from to pay for the appropriation.

Mr. Borget responded that this appropriation is a one-time cost and added moving forward, the department would include the raised personnel costs in their budget. He explained that while going through the budget process the city must decide which items are most important, try to project the expected revenues, and pinpoint any variances. He suggested that smart reductions or eliminating services that are not as critical as others could be required. He said a balanced budget is always the goal where the city's revenues match the expenditures.

Councilor Whipple asked how much the city invests in paramedics to see what the cost would be if the appropriation failed.

Mr. Softley outlined the cost breakdown, encompassing \$13,000 for tuition fees and additional expenses for staffing coverage resulting in a total of approximately \$30,000 to \$40,000 per EMT. Mr. Softley emphasized the value of having certified paramedics who can immediately contribute with full services,

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avoiding tuition costs. He expressed concern about the risk of investing in EMTs who later receive tempting offers from other agencies after completing paramedic training. Monitoring their progress through the pay grade is crucial to ensuring that the city's incentives match the career advancement opportunities they might find elsewhere.

Councilor Whipple confirmed that the city is losing paramedics after we pay to get them trained. She added that financially this appropriation makes more sense. She questioned whether contract restrictions have been included where the employee would have to reimburse the city if they left within a certain amount of time.

Mr. Softley said the contract restrictions have been in place for several years but are not always enforceable.

Councilor Christensen asked Mr. Softley to provide the information that he did during the work session regarding being comparable for the benefit of the public.

Mr. Softley highlighted a competitive disparity with another competitor in Utah. He noted that the city's starting pay was lower, the top of the city's pay range was lower, and emphasized the crucial factor of accelerated pay roles in the competitor's structure. This competitor had a career progression series like Provo's, but our progression was slower, making us less competitive. To address this, the focus is on improving the middle section of the career series to provide newer paramedics with opportunities for quicker acceleration to enhance competitiveness.

Councilor Bogdin shared where her husband works, if the company pays for tuition, her husband must pay back a certain number of years in service. She asked if Provo had considered something similar.

Mr. Softley said what Councilor Bogdin explained sounded more like our tuition reimbursement policy. After confirming with Chief Headman, he stated there is nothing currently in the contract that would require a payback. He also stated that he has learned from other agencies that it is not enforceable unless you decide to spend funds on taking the employee to court.

Chair MacKay opened the item for public comment. With no public comments, and no council discussion, she called for a vote.

**Vote:** The motion was approved 7:0 with Councilors Bogdin, Christensen, Garrett, Handley, Hoban, MacKay, and Whipple in favor.

Chair MacKay opened public comment for a resident participating online who was missed during the public comment period.

Lindley Richards, of Provo, raised concerns about her towing experience in Provo on December 3, 2023. She stated the towing company violated city ordinances by refusing to provide her with the patrol and towing contract, delaying the Consumer Bill of Rights until after payment, and operating without meeting typical requirements. Despite acknowledging the towing company's violation of privacy ordinances, Provo City Police have not released the contract. She asked for advice or feedback from council members on this pressing issue.

Chair MacKay closed the public comment period.

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**4. An ordinance adjusting the common boundary between Provo and Orem along 2000 South in Orem (24-019) [0:59:47](#)**

**Motion:** An implied motion to approve Ordinance 2024-6, as currently constituted, has been made by council rule.

Gordon Haight, Engineering Division Director, presented and reminded the council that this meeting marks the closing of the public hearing period that was opened for the next 3 items. He said this particular area includes a detention basin that Orem uses as part of their storm drain facility. He added that since Provo does not have any homes that front the road, staff recommends this area be owned and maintained by Orem.

Chair MacKay opened public comment. With none, she invited a council discussion.

Councilor Whipple asked if any public comments had been received during the public hearing period for this item, or the other two following.

Mr. Haight confirmed that no comments had been received for any of the items.

Chair MacKay called for a vote.

**Vote:** The motion was approved 7:0 with Councilors Bogdin, Christensen, Garrett, Handley, Hoban, MacKay, and Whipple in favor.

**5. An ordinance adjusting the common boundary between Provo and Orem to accommodate a new residential development near the intersection of University Avenue in Provo and 800 North in Orem (24-019) [1:01:50](#)**

**Motion:** An implied motion to approve Ordinance 2024-7, as currently constituted, has been made by council rule.

Mr. Haight presented. He discussed the River District Development, emphasizing the challenge of determining boundaries for a particular parcel of land. He highlighted the logistical issues of having homes across the street from each other falling under different school districts and voting jurisdictions. To address this, both Provo and Orem are collaborating to ensure a seamless experience for residents, eliminating the need for distinct physical boundaries between neighborhoods. He added that Orem has already had their public hearing, and now they await Provo's ordinance to move forward.

With no public comments or council discussion, Chair MacKay called for a vote.

**Vote:** The motion was approved 7:0 with Councilors Bogdin, Christensen, Garrett, Handley, Hoban, MacKay, and Whipple in favor.

**6. An ordinance concurring with Utah County on the common boundary between Provo and Orem near the intersection of 1030 East in Orem and 2250 North in Provo (24-019) [1:03:30](#)**

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**Motion:** An implied motion to approve Ordinance 2024-8, as currently constituted, has been made by council rule.

Mr. Haight presented. He said a few years ago, both Orem and Provo passed ordinances to establish this common boundary. However, there is a discrepancy with the county's understanding of this boundary. He explained the issue arose because of a lift station in Orem, with the county mistakenly thinking part of it is in Provo. He stated the ordinance aims to ensure consistent understanding and agreement among all parties involved.

With no public comments or council discussion, Chair MacKay called for a vote.

**Vote:** The motion was approved 7:0 with Councilors Bogdin, Christensen, Garrett, Handley, Hoban, MacKay, and Whipple in favor.

**7. An ordinance amending Provo City Code Titles 6, 14, and 15 to make various technical updates and corrections - Citywide Application (PLOT20230322) [1:05:10](#)**

**Motion:** An implied motion to approve Ordinance 2024-9, as currently constituted, has been made by council rule.

Aaron Ardmore, Planning Supervisor, presented. He discussed the proposed changes which included adjusting codes that are now overridden by the State Code, renaming of the Campus Mixed Use zone, correcting references, and adding setback requirements to the Open Space Preservation and Recreation zone.

Chair MacKay opened public comment. With no comments and no council discussion, she called for a vote.

**Vote:** The motion was approved 7:0 with Councilors Bogdin, Christensen, Garrett, Handley, Hoban, MacKay, and Whipple in favor.

**8. An ordinance amending the Zone Map classification of approximately 1.04 acres of real property, generally located at 4981 N Edgewood Drive, from The Village at Riverwoods SDP1 Zone to SC3 Zone - Riverbottoms Neighborhood (PLR20230267) [1:08:51](#)**

**Motion:** An implied motion to approve Ordinance 2024-10, as currently constituted, has been made by council rule.

Mr. Ardmore delivered a presentation, clarifying that the developer's intention is to construct a single office building spanning both parcels. However, the current zoning of the parcels differs. He highlighted that the common ownership of both parcels facilitates the management of parking and access easements. Additionally, Mr. Ardmore suggested the possibility of amending the ordinance to incorporate a development agreement.

Councilor Whipple asked if the developer proffered a development agreement.

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Mr. Ardmore responded and said that the submittals received are proffers themselves, but a development agreement could be added if desired by the council.

Chair MacKay opened public comment. With none, she brought the discussion back to the council.

Councilor Christensen expressed appreciation for the project but conveyed a sense of unease. He emphasized the importance of having the development agreement in place, citing concerns from neighbors about a crucial part of the river.

Bill Peperone, Development Services Director, highlighted the significant concern surrounding trail protection and access, both for the neighbors and the staff, ever since the inception of this project. He acknowledged the developer's respectful approach to these concerns. He assured that the zoning change would not progress until the development agreement was signed and attached, ensuring the safety of the trail.

**Motion:** Chair MacKay made an amended motion approving the ordinance contingent on the signing of a development agreement based on the proffered documents by the applicant. Councilor Garrett seconded.

Councilor Handley asked if a development agreement could be requested by the council.

Mr. Peperone confirmed that when a developer submits a plan, the plan is a proffer that could be memorialized in a development agreement.

Councilor Whipple concurred with Mr. Peperone's perspective, emphasizing that the council's focus is not to introduce new conditions that were not originally part of the plan.

Councilor Bogdin asked about the allowed public space or public access.

Mr. Ardmore stated that there is a public access easement along the river for the trail itself but once you cross over, you would be on private property and allowing public use would be up to the property owner.

Chair MacKay called for a vote on the amended motion.

**Vote:** The motion was approved 7:0 with Councilors Bogdin, Christensen, Garrett, Handley, Hoban, MacKay, and Whipple in favor.

## **Adjournment**

The meeting was adjourned by unanimous consent at approximately 6:44 PM.