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PROVO MUNICIPAL COUNCIL

Regular Meeting Agenda

5:30 PM, Tuesday, February 20, 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

City Attorney Brian Jones

City Recorder Heidi Allman

Conducting: Chair Katrice MacKay

Prayer – Councilor Christensen

Pledge of Allegiance – Councilor Handley

Presentations, Proclamations, and Awards

1 Provo City Employee of the Month Award - February 2024 [0:14:30](#)

Mayor Kaufusi shared the exciting opportunity to recognize an employee who has demonstrated exceptional care for our exceptional community. She welcomed Amanda Ercanbrack, Director of Customer Service, to present the employee selected.

Ms. Ercanbrack acknowledged the difficulty in choosing from her amazing team but announced Anthony Palmer as the employee who stood out. She highlighted his contributions and achievements by reading the following: "In the last 12 months, Anthony has answered 13,545 phone calls. He averages well over 10 calls per hour, even while processing airport badges, passport applications, and doing fingerprints. But Anthony is not receiving this award just for his impressive stats. His manager, Britny Densley, could not be here tonight but she said the following: "Anthony is an exceptional team player and employee! Anthony has a positive attitude and is always one of the first people to volunteer, whether it's work-related or a volunteer opportunity outside of the workplace." Anthony is consistently positive and upbeat. When he is given a project, he is happy to help and gets the job done. Anthony goes the extra mile in assisting with our Greeter Program, suggesting innovative ways to improve the customer experience. He excels at processing Passport Applications, which can be a tedious process. He is respectful, a great friend to his coworkers, and a go-to resource for his peers. For me, what has stood out about Anthony, besides being a team player, is just his willingness to get the job done. He is not afraid of extra work and often takes it on without being asked. Shortly after moving into this building, the US Department of State announced changes to their passport program that required us to return

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completed passport applications to the post office in person. While most of us were busy complaining about the change, Anthony just stepped up and volunteered to take them on his way home since he passed by there anyway. He is perhaps the only Provo City employee who clocks out at the Provo post office. I asked some of Anthony's peers to describe him and these are the words they used: Knowledgeable, patient, kind, thorough, encouraging, giving, reliable, friendly, loyal, happy, eager, and full of life."

Mr. Palmer thanked Ms. Ercanbrack for the kind words and vowed to live up to what was said about him. He shared his appreciation for everyone who has supported him in this job, including the support from council and the mayor. He added that he is always happy to help the Provo City community.

Public Comment [0:20:20](#)

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

Adam Shin, of Provo, shared his perspective on the housing discussion during the council work session. He noted that the emphasis was on owner occupancy during the session, understanding its importance for established residents. However, Mr. Shin highlighted the need to consider the perspective of renters, acknowledging the benefits of homeownership but emphasizing that rising housing costs often make it challenging for many to enter the market. He urged the city to explore ways to address affordability, specifically mentioning missing middle housing options like duplexes and row houses as potential solutions.

Anietie Umoren, of Provo, introduced himself and expressed his desire to be proactive in learning about the city and understanding how it works.

Chair MacKay responded on behalf of the council that it is their understanding that the pricing of homes contributes to the housing issue. She also mentioned that it is their goal to increase homeownership by increasing the number smaller square footage homes, including condominiums and townhomes.

Action Agenda

2 A resolution approving the appropriation of \$59,113 in the General Fund for a Sales Tax Increment Payment to East Bay Shopping Center. (24-011) [0:26:23](#)

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

Keith Morey, Assistant Director of Development Services, presented. He explained the next three items were from agreements made several years ago with retail shopping areas. These agreements were based on the understanding that if the owners reinvested in the areas, making improvements to facades and the overall environment, it would stimulate economic development and attract new shopping opportunities. He said the goal was to increase sales tax revenue for the city. The agreements stipulated that if the owners fulfilled their commitments, the city would share back a portion of the resulting increase for a set period. This approach was praised as an effective economic development tool with no upfront costs to the city, operating on a post-performance basis. It allows the city to contribute to the success of the reinvestment without incurring direct expenses.

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Chair MacKay asked if this tool is still being utilized.

Mr. Morey responded that it is still available, but it has become increasingly more difficult to use. He said there is compelling reason to advocate for a reconsideration of this policy with legislators by emphasizing the effectiveness of the tool. He said such tools contribute significantly to maintaining vibrant and non-blighted parts of the community. He added that the success of these agreements could be noted by these three items before the council and their ongoing increase in sales tax revenue. Mr. Morey then discussed the statistics of the East Bay Shopping Center. He said in 2016, they committed to over \$2.3 million in improvements, resulting in a substantial increase in sales tax. The city owes them a growing amount, with the current payment being the fourth installment.

Chair MacKay opened public comment. With no comments or 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.

3 A resolution approving the appropriation of \$84,794 in the General Fund for a Sales Tax Increment Payment to Parkway Village. (24-011) [0:29:58](#)

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

Mr. Morey shared the statistics of the Parkway Village. He said the owners committed to investing nearly \$2.2 million in enhancements for the shopping area. The base year, in this case, was approximately \$136,000 annually that the city received in sales tax. He stated last year that figure rose significantly to \$221,270, showing a substantial increase attributed to their investment.

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

Councilor Garrett shared he thought it was useful that Mr. Morey mentioned in the work session a couple of weeks ago that these contracts are based on a 10-year term. He also asked if the Walmart in Parkway Village was an anchor tenant.

Mr. Morey explained that the agreements include a term and a capped amount that cannot be exceeded. It was mutually understood and agreed with the owners that reaching the cap was unlikely, requiring them to be exceptionally successful, a scenario the city would welcome but did not anticipate. The expectation was that they might not perform well enough to receive the full amount back. He explained that while Walmart is now considered an anchor tenant, at the time of the agreement the legislation allowed the agreements between the city and anchors. He said if they wanted to renew their agreement with the city, an evaluation of what improvements would be made and how the city's contribution would help.

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.

4 A resolution approving the appropriation of \$41,979 in the General Fund for a Sales Tax

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Increment Payment to the Shops at Riverwoods. (24-011) [0:33:24](#)

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

Mr. Morey discussed the success of the Shops at Riverwoods. He stated that in 2021, the owners committed to \$9 million in improvements, with the finalized agreement that year. The base year sales tax generated in the area was \$118,000, increasing to almost \$160,000 in the last year. He expressed optimism about the positive turnaround at Riverwoods, attributing it to approved office space and upcoming residential developments in the area. He noted that this progress aligns with the intended goals and direction the city aimed to achieve.

Chair MacKay opened public comment. With no comments or council discussion, she 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.

5 A resolution approving an interlocal agreement regarding funding for trail and bridge improvements along the Provo River Trail from Columbia Lane to University Parkway (24-020) [0:35:06](#)

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

Gordon Haight, Engineering Division Director, presented. He said several years ago, our Parks Department applied for funding from MAG to replace the tunnels beneath Columbia Road and State Street. He added that although they secured the funding, it will not be available until January 2025. He said the Parks Department has nearly completed their plans, so to expedite the project, the city is asking to enter into an agreement with Utah County. This agreement would allow the city to spend the funds now, with reimbursement guaranteed after January 1. He stated this early investment enables us to initiate trail improvements ahead of time, managing it more effectively with runoff considerations. The county has already approved this interlocal agreement; our agreement is the last step to kickstart the project and receive reimbursement in January.

Councilor Whipple asked if cost savings will be involved with starting the project early.

Mr. Haight responded that there would be cost savings due to being able to coordinate with other ongoing projects, such as the relocation of a sewer line.

Chair MacKay opened public comment. With no comments or 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.

6 A resolution approving the transfer of \$665,325 from the General Fund to the Airport Fund. (24-006) [0:37:47](#)

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Motion: An implied motion to approve Resolution 2024-11, as currently constituted, has been made by council rule.

John Borget, Director of Administrative Services, presented. He said this marks the fourth year of an interfund loan between the airport and the energy fund. Initially, the loan was utilized to acquire property adjacent to the airport. The original plan was for the airport to cover these payments as it expanded its operations. However, during the initial years, we sourced the funds from a general fund interfund loan to fulfill our financial obligations. He said after assessing the airport's growth, especially with insights from Airport Manager Brian Torgersen, we noticed a positive trend. However, due to the ongoing airport development and incorporating public safety costs, our initial budget fell short accounting for overtime and other unforeseen costs. He continued that despite these challenges, the airport remains successful, continuously evolving with various needs. He stated that the aim as an administration is to strategically support the airport's growth and provide essential services. He mentioned that he expects the airport will soon be self-sufficient in covering these expenses.

Chair MacKay opened the item for public comment. After no public comments or council discussion, she 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.

7 A resolution approving the transfer of \$90,658 from the Legacy CIP to the General Fund and the appropriation of those funds. (24-006) [0:41:30](#)

Motion: An implied motion to approve Resolution 2024-12, as currently constituted, has been made by council rule.

Sandy Bussio, Parking Program Manager, presented. She highlighted the need for funds to replace an automatic license plate reader that is currently four years beyond its extended warranty. Additionally, the request includes the purchase of an additional license plate reader. She added that these readers play a crucial role in managing residential parking permits, monitoring timed parking, and facilitating vehicle counts.

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

Councilor Christensen expressed gratitude to Ms. Bussio, recognizing the significant concern our residents have regarding parking.

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.

8 An ordinance amending the Zone Map classification of real property, generally located at 301 N. Lakeshore Dr., from the Agricultural (A1.10) Zone to the Open Space, Preservation, and Recreation (OSPR) Zone. Fort Utah Neighborhood. PLR20220282 [0:43:33](#)

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Motion: An implied motion to approve Ordinance 2024-11, as currently constituted, has been made by council rule.

Dustin Wright, Planning Supervisor, presented. He said the proposal involves the rezoning of a five-acre city-owned property adjacent to the river that is currently zoned as agricultural. The proposed Open Space Preservation and Recreation (OSPR) zone is specifically designed for this purpose as the city intends to transform it into a park, featuring amenities, trails, and connections. He said the Parks Department has diligently designed the park, and the Planning Commission has reviewed and approved the project plan, recommending council approval. He added that the staff has confirmed its alignment with the general plan and its contribution to advancing goals and policies in the area.

Chair MacKay asked Mr. Bunderson, equestrian trail.

Mr. Bunderson said there would be an opportunity for horse trailers to unload their horses and access the river. He added the proposed equestrian trail, made of gravel, will run alongside the existing paved surface trail. He shared this specific addition will contribute approximately one-quarter mile of trail connecting the delta gateway park and lakeview parkway.

Councilor Handley asked if the new trail would follow the south bank of the new delta.

Mr. Bunderson affirmed and elaborated on the diverse paths this trail could lead to. Additionally, he mentioned that the park, valued at an estimated 3.2 million dollars, will receive federal funding, ensuring no fiscal impact on the city.

Chair opened item for public comment. With no public comments or 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.

Adjournment

The meeting was adjourned by unanimous consent at approximately 6:12 PM.