

Please note: These minutes have been prepared with a timestamp linking the agenda items to the video discussion.



PROVO MUNICIPAL COUNCIL

Work Meeting Minutes

1:00 PM | April 28, 2026

Provo Peaks Conference Room (110)

445 W. Center Street, Provo, UT 84601

Agenda

Roll Call

Council Chair Katrice MacKay, conducting
Council Vice-Chair Craig Christensen (Remote)
Councilor Gary Garrett
Councilor Jeff Whitlock
Councilor Becky Bogdin
Councilor Travis Hoban
Councilor Rachel Whipple
Mayor Marsha Judkins

Approval of Minutes

- March 24, 2026 Council Meeting
- April 14, 2026 Work Meeting
- April 14, 2026 Council Meeting

All three sets of minutes were approved by unanimous consent.

Business

Item 1: A resolution amending the Council Audit Committee Charter and Internal Audit Charter (26-030) [00:01:21](#)

Council Policy Analyst Tanner Taguchi presented proposed amendments to the Council Audit Committee Charter and Internal Audit Charter, explaining that the current charters require regular review and that the Audit Committee had met to discuss several proposed changes.

Taguchi summarized the major proposed changes to the Audit Committee Charter. First, the composition of the committee would be amended to allow greater flexibility, moving from a fixed requirement of two councilors and two public members to a variable composition of three to five members, with at least one member of the public and at least two members of the council. Taguchi noted that this reflects the current composition following the recent end of a member's term. Second, the charter would more explicitly designate the Council Executive Director as the chief audit executive, a standard industry term for the person who interfaces with the governing

board or committee. Taguchi explained that the existing charter language already implies this role, and that the amendment simply makes it more explicit.

Regarding the Internal Audit Charter, Taguchi outlined that the main change involves clarifying the terminology around "external" versus "internal" functions and "financial" versus "performance" audits in order to provide greater clarity for the committee, the council, and the public. Additionally, a more explicit process for responding to fraud hotline complaints would be added.

Councilor Bogdin asked how frequently fraud hotline complaints are received. Council Executive Director Justin Harrison responded that the committee receives between one and two complaints per quarter on average, but that in his four years in the position, only two had been genuinely related to the purpose of the hotline — that is, allegations of fraud or abuse within the city. The remainder, he said, are typically submitted by members of the public who believe they have been defrauded by private businesses and are redirected to the appropriate law enforcement channel. Bogdin confirmed that none of the substantive complaints had been verified.

Taguchi also noted that a provision had been inadvertently omitted from his initial summary: that new committee members would be required upon joining to complete a training offered by the Office of the Legislative Auditor General, covering the basic principles of government auditing and the best practices for serving as a member of an audit oversight body.

Council Vice-Chair Christensen asked for clarification on the designation of the Council Executive Director as chief audit executive, questioning whether that role should more appropriately be held by a certified auditor rather than an administrator. Councilor Hoban responded by providing context on how the chief audit executive role typically functions in the private sector, reporting directly to a board of directors with independence from the executive, and acknowledged that the city faces structural limitations that do not exist at the county or state level, where an elected county auditor reports directly to voters. Hoban noted that the city could, in theory, hire a dedicated chief audit executive, but that there are constraints imposed by state law regarding the separation of branches of government.

City Attorney Brian Jones expanded on these structural limitations, explaining that, unlike at the county and state levels, the city has no statutory framework defining the auditor position or its powers, and that most cities have not established one. Jones noted that the audit committee structure was adopted in part to earn points on the state's fraud risk assessment scorecard, which, while not mandatory, signals the level of financial responsibility the city's finance department undertakes. Jones observed that the fundamental challenge is that any auditor working under the council's authority would be limited in compelling cooperation from the executive branch, as the council cannot direct executive branch staff under state law. He added that the most effective path forward would be alignment between the administration and the council on the scope and authority of the audit function, and that some of those powers could theoretically be codified in the city's own ordinance, within the limits of state law.

Councilor Hoban offered concrete examples of why he views the audit committee as valuable, citing recent fraud hotline tips about an employee and a department that had come to the

committee's attention. He emphasized that having the committee serve as an independent review body prevents what he described as "the fox guarding the henhouse" in situations involving potential concerns about the administration. He also noted the committee's role in overseeing the selection and review of the external auditor and added that while the internal audit function had faced some challenges during the current year, largely due to unresolved questions of clarity, he expected improvements going forward.

The broader conversation turned to the question of whether the council body at large should have more formal input into the annual audit plan and priorities. Jones indicated that having the audit committee bring recommendations to the full council for approval before executing them would help establish the legitimacy of the process. Councilor Hoban expressed support for that approach and acknowledged that the prior year's internal audit work had not been completed due to some of those clarity issues. Councilor Garrett noted that the council body, as the decision-making body, has the authority to determine the committee's composition, budget, and areas of focus, and that expanding those functions would simply require additional budget allocation.

Councilor Whitlock asked whether a conflict-of-interest recusal process should be codified in the charter, noting that the Council Executive Director's dual role as both an administrator and chief audit executive could create complications. Taguchi acknowledged the question and noted that this would likely be covered by existing statutory conflict of interest disclosures, but that additional language could be explored. Harrison added that the charter already delineates that direction for the council office employees in this function flows from the audit committee and council leadership, and offered to look further into appropriate language.

Councilor Whitlock also inquired about reducing the minimum public membership from two to one, asking whether this change was driven by difficulty in recruitment. Taguchi confirmed that flexibility in response to varying applicant pools was the primary motivation. Hoban explained that maintaining a council-member majority is an important governance principle to ensure that elected officials retain control of the committee, and that reducing public members to one was a response to the current state of having only two council members serving on the committee.

Councilor Whipple raised the question of how the audit committee should present its annual audit plan to the full council — whether by email, work meeting, or closed session — noting that some topics could be sensitive. Jones indicated that closed session opportunities for such discussions would be limited by the narrow statutory grounds for closed sessions, and that the appropriate method of presentation would likely depend on the subject matter. The consensus was that the audit committee, in coordination with council leadership, should determine the appropriate format on a case-by-case basis.

Taguchi noted that he would add language to the charter explicitly referencing council input into the annual audit plan prior to execution, in time for the night meeting. Vice-Chair Christensen expressed strong support for continuing the discussion, emphasizing that independent audit functions serve the public interest regardless of whether they are required by the state, and encouraged the council to ask not what is required, but what is in the best interest of citizens.

Councilor Hoban closed by acknowledging and thanking both the council and the administration for making the internal audit function a priority, noting that Provo is one of few cities in the state doing so.

The item was identified as ready for consideration at a night meeting, with Taguchi indicating that the two charters would be brought back by resolution for adoption.

Item 2: A presentation regarding conservation easements (26-026)
[00:39:52](#)

Wendy Fisher, Executive Director of Utah Open Lands, presented an overview of conservation easements to provide context for the subsequent item regarding a potential conservation easement on Slate Canyon. Fisher noted that she has been with the organization for 37 years and that Utah Open Lands was established in 1990 as the first local land trust in the state of Utah.

Fisher explained that Utah Open Lands holds conservation easements primarily for the purpose of protecting agricultural, recreational, wildlife, scenic, and open space resources throughout the state. She noted that the organization works with a range of landowners — both private and governmental — and cited examples of governmental partnerships, including work with Wasatch Mountain State Park, Salt Lake County, Utah County on Bridal Veil Falls, and Provo City on Bunnells Fork. She also referenced the Snake Creek Conservation Easement, one of the first conservation easements ever placed on state-owned property, signed by the governor in 1995.

Fisher addressed a common point of confusion, emphasizing that a conservation easement does not transfer land ownership to Utah Open Lands. Rather, she described it as an "encumbrance on the landscape": an obligation placed on Utah Open Lands to ensure the protection of a given landscape in perpetuity, which requires the organization to actively defend those protections. She drew a parallel to the prior discussion on independent auditing, suggesting that a conservation easement provides a form of check and balance for the city: the city retains ultimate authority over the land, but voluntarily takes on a structured commitment that codifies the community's vision for a property's future and guards against rash or politically motivated decisions.

Fisher outlined other benefits of partnering with an organization like Utah Open Lands, including collaboration on management strategies such as wildfire mitigation, forest health research, water quality studies, and regenerative agricultural practices. She noted that these services are provided at no cost to the city as part of the partnership.

Fisher described the typical components of a conservation easement, including: a baseline documentation report establishing the existing condition of the property; a list of permitted and prohibited uses determined by the council and city staff; and an optional adaptive management plan provision. She used the Bonanza Flat conservation easement with Park City as an example of a successful partnership, noting that Utah Open Lands helped secure approximately \$500,000 in grant funding for trailhead and trail development on that property.

She emphasized that the organization's ongoing role is to serve as a steward of the land, providing at least annual monitoring reports, assisting with grant writing, and ensuring adherence to the terms of the easement.

Councilor Bogdin asked whether it was possible to exit a conservation easement if circumstances changed. Fisher explained that while it is not a simple process, provisions exist, most notably, that a government entity with condemnation powers could condemn the conservation easement itself, which would result in a legal merger of the rights back into the underlying property. City Attorney Jones added that condemnation can only be exercised for legally permitted public purposes under state law and would require payment of fair market value for the property right being taken back from Utah Open Lands. Fisher clarified that in the context of Provo City's negotiations, the value of the easement right being transferred has been intentionally kept modest, enough to serve as a disincentive to casual reversal, but not so large as to create a prohibitive financial barrier. Jones confirmed that this has been a deliberate structuring choice, noting that the intent is to build virtually all anticipated public purposes into the easement so that condemnation would seldom be necessary.

Bogdin followed up by asking why, if the city can ultimately exit a conservation easement, one should be entered into at all. Fisher responded that the process of exiting — whether through condemnation or other means — is deliberately more public and more procedurally demanding than simply placing a property on a surplus list, providing the kind of transparency and intentionality that protects long-term community interests. She referenced examples of properties she had seen threatened by development actions that occurred outside of public view, including a property along the Jordan River with a 4,000-year-old archaeological site, and argued that the conservation easement structure creates important safeguards. Fisher also confirmed that in 37 years, Utah Open Lands has never had a conservation easement undone.

Item 3: A presentation regarding a Slate Canyon conservation easement (26-026) [01:01:54](#)

Council Policy Analyst Melia Dayley presented the specifics of a proposed Slate Canyon conservation easement. She oriented the council to the geography using a map, identifying the relevant parcels. The green-shaded parcels represent city-owned land. The area under consideration encompasses approximately 115 acres, which a staff working group has recommended for inclusion in the easement. A separate 47-acre parcel also owned by the city was reviewed by the working group but was not recommended for inclusion in the easement at this time.

Dayley noted that the area is currently designated as Slate Canyon Park, and provided a corresponding aerial photograph. She noted that the parcel boundaries and what is recommended south of a certain substation address was clarified during the discussion, with Dayley indicating the recommended area stops at a particular boundary, though the parcel as currently constituted extends further.

Dayley explained that this item originated as an issue sponsor request from Councilors Whitlock and Christensen to explore the potential for a conservation easement on Slate Canyon. Following that request, a broad working group was convened that included staff from nearly every city department and the Mayor's Office. Topics discussed included initial concerns and points of enthusiasm, lessons learned from the Bunnells Fork conservation easement, desired changes in approach, and the question of which partner organization to work with. The outcome of those deliberations was a recommendation to pursue a Slate Canyon conservation easement, with the city as landowner and Utah Open Lands as easement holder.

Dayley noted that the legal mechanism would be the same section of state code used for Bunnells Fork, which permits the city to provide nonmonetary assistance to nonprofits without receiving fair market value compensation, provided a public benefit study is completed. She confirmed that such a study had been completed for the Bunnells Fork easement and that a similar one would be required for Slate Canyon. Dayley also reported that Conserve Utah Valley, a local nonprofit, had offered to cover the initial stewardship costs associated with entering into the easement, estimated at approximately \$10,000, and had offered to fundraise and pay those costs directly.

Regarding process, Dayley outlined that if a majority of the council indicated support to proceed, the next steps would be: drafting a memorandum of understanding between Provo City and Utah Open Lands affirming the city's intent to enter into an easement without contributing monetary funds; collaborating with the administration, legal, public works, parks and recreation, development services, and fire departments — along with Utah Open Lands — to draft the easement document; and drafting a public interest valuation study in parallel. The process would conclude with a resolution brought to the full city council authorizing the easement, accompanied by a notice and public hearing, consistent with the process used for Bunnells Fork.

Dayley noted that in drafting the Bunnells Fork easement, staff had reviewed the parks and recreation master plan and the public works master plan in detail to ensure that all future infrastructure and recreational needs were accounted for. She indicated that the same approach would be applied here. Multiple representatives from development services, public works, and parks participated in the working group. She also identified that numerous existing utility easements held by other entities — including Rocky Mountain Power, Enbridge, and the state — already encumber portions of the land and that coordination with those parties was underway.

Councilor Bogdin raised a concern about public expectations, noting that Slate Canyon is envisioned as a future park but that funding for parks is limited and development could be many years or even decades away. She expressed concern that placing the land under a conservation easement might lead residents to believe a park is imminent, and also noted that the easement would eliminate any future option to sell portions of the property to generate revenue for park construction. Dayley acknowledged that Bogdin's concern was well taken.

Discussion arose regarding a northwestern portion of the property adjacent to Slate Canyon Drive, which public works had identified as needed for water infrastructure — specifically a water retention basin. Councilor Whitlock noted that this consideration had led the working

group to retain that parcel within the easement rather than splitting it off. Dayley indicated that she would follow up with public works on the specific plans for that area and report back.

Councilor MacKay asked whether a conservation easement would prevent the city from incorporating amenities such as food vendors, concession stands, or gathering areas — citing examples from other parks in the region. Dayley explained that the parks and recreation master plan for Slate Canyon Park would govern permitted uses and had been incorporated into the easement discussions. Fisher added that an adaptive management plan provision could be built into the easement, allowing the city to respond to evolving community needs within the guardrails established by the easement's stated purposes. She emphasized that activities oriented toward public benefit — including recreational amenities, festivals, and vendor events — would generally be compatible with conservation easement purposes, while private-benefit uses would not. Councilor Whitlock offered the example of a large disc golf tournament in the parks plan, which the working group had specifically confirmed would be compatible with the proposed easement terms.

Fisher summarized her perspective on the fundamental purpose of the conservation easement as codifying what the community values about the land, ensuring that future decisions about the property are made with deliberate intentionality, and establishing major guardrails within which the city retains broad adaptive flexibility.

Vice-Chair Christensen expressed strong support for the proposal, stating that it represents a significant commitment to what makes Provo unique and a lasting gift for future generations. He emphasized that the property, largely above 30 percent grade and thus not significantly buildable, was an ideal candidate for conservation easement protection. Councilor Whitlock echoed that sentiment, noting that constituent conversations had made clear that residents understand the park is a long-term aspiration and that they view the conservation easement as the city sending a clear signal about the land's intended future.

Dayley indicated that if the council passed a motion to proceed, a public open house was tentatively planned at Slate Canyon Park on June 13 to provide education about conservation easements and the Slate Canyon project, followed by a group hike.

Council Vice-Chair Christensen moved to proceed with the Slate Canyon conservation easement process. The motion was seconded by Council Chair MacKay. The motion passed 7–0.

Dayley confirmed that the public open house at Slate Canyon Park would proceed as planned for June 13. Chair MacKay expressed gratitude to Conserve Utah Valley for offering to cover the initial stewardship costs.

Item 4: A resolution appointing public members to a council standing committee (26-031) [01:22:22](#)

Policy Analyst Taguchi returned to present a resolution appointing a public member to the Council Audit Committee. He explained that under the current audit committee charter, citizen members are required to participate and must be approved by the full council. He reported that one current public member, Dave Shipley, would not be returning due to an inability to continue fulfilling his responsibilities. Taguchi expressed appreciation for Shipley's service and his financial expertise.

Taguchi reported that the other incumbent public member, Rick Anderson, had expressed willingness to continue serving on the committee. Biographical information regarding Anderson had been included in the council packet. Councilor Hoban spoke to Anderson's contributions, describing him as an active and valued member of the committee who had added meaningful value. Hoban noted that the committee would welcome the addition of another public member if a third council member were to join the committee and that the opportunity remained open.

Item 5: A presentation regarding the FY26 - FY27 Budgeted Revenue Comparison (26-001) [01:24:12](#)

Budget Officer Kelsey Zarbock presented a comparison of budgeted revenues between fiscal year 2026 and fiscal year 2027. She prefaced the presentation by noting that the slides had been prepared approximately two months prior and that the specific figures had since been updated. She advised the council to focus on trends rather than precise numbers, as a more current tentative budget would be delivered the following Tuesday.

Zarbock began with the general fund, noting that the overall allocation structure remained largely consistent with prior years, with sales tax as the largest revenue source, followed by transfers from other funds. She highlighted that two categories — sales tax and several other revenues flowing from state allocations — are largely outside the city's direct control, as they depend on broader economic activity. Property tax and transfers from utility funds were identified as the two primary levers the city has more direct control over in balancing the budget.

On the question of property tax, Zarbock confirmed that the tentative FY27 budget does not include a proposed property tax increase for either general operations or the library. She noted that any increase in the city's portion of a resident's property tax bill would likely reflect a change in assessed property valuation rather than a rate change.

Regarding utility fund transfers to the general fund, Zarbock reported that the transfer rate, which had been increased from 11 percent to 12.5 percent of utility revenues in the prior year as a budget-balancing measure, would remain at 12.5 percent in FY27 with no further change recommended.

Zarbock then turned to sales tax, describing it as the most significant factor in the FY27 budget due to strong performance over the prior twelve months. She explained three contributing

factors. First, she noted that anomalies in the prior year had suppressed the baseline for comparison: another taxing entity had incorrectly received a portion of Provo's sales tax revenue, which was not recovered until approximately June of that year; and separately, a business in Provo had been overpaying sales tax for several years, triggering a one-time state reimbursement that reduced Provo's net receipts in that fiscal year by an estimated \$600,000. Second, beginning in July of the current fiscal year, the state adopted new population data from the Kem C. Gardner Policy Institute at the University of Utah, replacing U.S. Census Bureau data, which added several thousand residents to Provo's population count for sales tax allocation purposes and thereby increased the city's revenue from the population-based portion of the distribution. Third, the overall strength of Utah's economy has continued to support robust consumer spending.

Zarbock noted that approximately 60 percent of Provo's sales tax revenue currently derives from the population-based allocation and approximately 40 percent from point-of-sale transactions. She suggested that ideally a city with strong local commercial activity might see a closer to 50-50 split, and offered this as context for ongoing economic development discussions, noting that increasing the point-of-sale share would require growth in local retail activity.

Mayor Marsha Judkins provided additional clarification on the mechanics of the state sales tax distribution, explaining that of the one percent local sales tax rate, half is returned to cities based on point-of-sale activity within their boundaries, while the other half is pooled statewide and redistributed based on population.

Councilor Hoban asked whether there were broader economic forecasts available regarding the sustainability of current sales tax levels. Zarbock referenced a recent presentation at the Utah Government Finance Officers Association conference by a Zions Bank economist, who noted significant difficulty in predicting economic trends given recent volatility but who nonetheless characterized Utah's economy as continuing to outperform national trends. Zarbock indicated that budgeting for continued sales tax strength in FY27 was not unreasonable given those conditions.

Councilor Whitlock asked about a discrepancy between figures in the enterprise fund pie chart and the accompanying changes table. Zarbock acknowledged that the numbers had since been updated and that the tentative budget to be presented the following week would reflect more accurate comparisons. She offered to provide additional detail at that time. Whitlock also asked that, of the approximate \$4 million increase in projected sales tax revenue, staff attempt to quantify what portion is attributable to the population data reweighting versus underlying retail sales growth. Zarbock noted the request and indicated staff would look into it.

Councilor Garrett asked about a significant projected increase in road tax revenues. Zarbock confirmed that road tax revenues had been tracking strongly but cautioned that the projected figures in the slides were prepared before certain legislative activity regarding the gas tax, which public works staff had flagged as a potential concern for future revenue. She indicated that the numbers had been revisited since the slides were prepared.

Councilor Garrett also asked for confirmation that the transportation utility fee appears under fees rather than road taxes. Zarbock confirmed that it would appear in its own fund and would not be included in the general fund road tax line.

Councilor Whipple noted that in recent years the city had deliberately adopted conservative sales tax projections and asked whether the stronger-than-expected performance in the current year had produced a surplus in the general fund. Zarbock confirmed that a surplus was projected, that some of that would be appropriated through upcoming budget amendments, and that the remainder would benefit the general fund balance.

Zarbock closed by characterizing sales tax as the dominant theme of the FY27 budget presentation and advised the council to expect a detailed and updated presentation when the tentative budget is delivered the following Tuesday.

Item 6: A presentation regarding the Victim Services Program (26-028)
[01:44:57](#)

Victim Services Coordinator Kim Thayne presented the semi-annual report on the Victim Services Program, noting that the VOCA grant — of which the program is a recipient — requires a biannual reporting to stakeholders.

Thayne explained that the Victim Services team is physically located with the police department and operates within the Criminal Investigations Division. The team's mission is to provide crisis intervention, emotional support, and critical service referrals to aid victims and their children, and to promote community awareness on victimization issues.

Victim Assistant Becky Draut described the structure of the team, which consists of five advocates — four full-time and one part-time court advocate. Two of the full-time advocates are Spanish-speaking. She noted that one advocate is always on call on a rotating weekly basis, available 24 hours a day, seven days a week, to respond to scenes or contact victims as needed.

Draut described the population served by the program, which includes victims of interpersonal crime such as domestic violence, sexual assault, physical assault, stalking, harassment, crimes against children, hate crimes, elder abuse, homicides, suicides and unexpected deaths, and other traumatic events.

Victim Assistant Estrella Farias Sanchez outlined the range of services provided, including: assistance with protective orders and stalking injunctions; safety planning; transportation to shelter; mental health referrals and crisis support; assistance with housing and food resources; education about the criminal justice process; court accompaniment through a dedicated court advocate; presence during detective interviews; obtaining victim input for prosecutors; death notification; and community outreach at schools and local organizations.

2025 Victim Services Statistics

Councilor Garrett asked how the 2025 statistics compare to the prior year and whether any significant trends were apparent. Thayne responded that overall caseload has remained fairly consistent year over year, without major shifts across the twelve-month period. She noted, however, that one area where an increase has been observed is in cases involving child victims of internet-based sex crimes. She attributed the increase largely to improved investigative tools that now allow detectives to more effectively identify and trace these crimes back to victims and suspects. She also noted that families of the suspects in such cases sometimes require support as well, given the trauma associated with learning of such situations.

Type of Victimization	Number of individuals
Domestic/Family Violence	546
Stalking/Harassment	374
Adult Sexual Assault	206
Child Sexual Assault	184
Adult Physical Assault	183
Child Abuse	123
Total	1,616*

Total services provided: 9,015
**Total reflects the sum of individuals by category. Some individuals experienced multiple types of victimization and are therefore counted more than once. The total number of unique victims is 1,558.*

Chair MacKay acknowledged the disturbing nature of the trend and expressed gratitude that the program has the capacity to address it. She also raised awareness about sex trafficking, referencing a conversation with another council member about massage businesses being used as trafficking fronts. Thayne confirmed that the program has served trafficking victims from such businesses and noted that advocates have received specialized training in identifying and serving trafficking victims, whose needs and rights differ from those in other crime categories.

Councilor Whitlock thanked the team for their service to the community and asked whether the program has encountered situations where language barriers prevent adequate service. Farias Sanchez indicated that Portuguese is the most commonly needed language beyond Spanish. Thayne explained that the department uses a language line service for other languages and may also coordinate with bilingual police officers when appropriate for interview settings, as those officers are already familiar with the subject matter. She added that BYU is also a resource for translation assistance. She noted a recent case involving an American Sign Language-speaking victim, which was handled with the assistance of a police officer trained in ASL.

Item 7: An ordinance prohibiting virtual currency kiosks within Provo City (26-027) [01:55:04](#)

Policy Analyst Dayley presented a proposed ordinance that would prohibit the hosting, operating, permitting, or placing of virtual currency kiosks within Provo City limits. She noted that a detailed memo had been included in the council packet, and summarized the key elements of the proposed code.

Dayley explained that cryptocurrency ATMs function like traditional ATMs but accept cash rather than connecting to a bank account, and are used to purchase cryptocurrency. She described

a notable pattern of scam and fraud activity in Utah associated with these kiosks. The proposal originated as a council issue sponsor request from Councilors MacKay and Christensen.

Dayley outlined the proposed code provisions, which would add a new section to Chapter 9.14 (Miscellaneous Criminal Provisions) of the city code. The section would include definitions for virtual currency, virtual currency kiosk, and operator, and would establish that it is unlawful for any person or entity to host, allow, operate, permit, locate, or place a virtual currency kiosk within Provo City. Penalties for violation would also be specified.

Dayley noted that Layton City is the only other city in Utah to have adopted such a ban, and that Indiana has enacted a statewide prohibition. She clarified that the ordinance would not restrict individuals from purchasing cryptocurrency through online platforms, personal devices, or any means other than physical kiosks operating within a business.

Regarding the scope of the fraud data presented, Dayley noted that the FBI's 2025 Internet Crime Report cited \$389 million in nationwide losses associated with cryptocurrency kiosks in 2025, and that a separate chart showed \$107 million in losses in Utah, though that figure covers a four-year reporting period rather than a single year.

Councilor Becky Bogdin expressed opposition to the proposed ordinance prohibiting virtual currency kiosks, raising concerns about personal choice and the role of government regulation. She questioned how the ordinance differs from other financial services commonly associated with fraud, such as Western Union, noting that scams occur across multiple transaction methods and are not unique to cryptocurrency kiosks. Councilor Bogdin stated that she does not believe it is the City's responsibility to "police" adults' financial decisions and emphasized that individuals should retain the freedom to choose how they conduct transactions. She further indicated a personal preference for cash-based cryptocurrency transactions over those tied to bank accounts, citing security concerns. Ultimately, Councilor Bogdin stated she would not support the ordinance and intended to vote against it.

Councilor Hoban shared similar reservations. Drawing on his professional background in banking technology, he noted that fraud occurs across many financial instruments including wire transfers, Zelle, gift cards, and cash — observing that cash itself is the most common medium for fraud. He acknowledged that cryptocurrency has a history of association with criminal use but argued that the vast majority of cryptocurrency kiosk transactions are legitimate. He also raised equity concerns, noting that cryptocurrency kiosks are often used by unbanked or underbanked individuals — including migrant workers — as an alternative to traditional financial services. He stated that removing the kiosks takes away a transactional option for that population. Hoban indicated he would also vote no.

Councilor Whitlock expressed ambivalence, noting that his initial instinct aligned with Bogdin's views on adult autonomy, but that upon researching the issue he found cryptocurrency kiosks to be among the most frictionless methods for scam victims to transfer money to fraudsters, often without the warnings or delays that banks, Western Union counters, or online money transfer platforms provide. He suggested that elderly residents may be particularly vulnerable. Whitlock

expressed interest in seeing data on the friction-reduction effect of banning local kiosks before arriving at a firm position.

Councilor Whipple asked whether there is evidence that adding friction — such as requiring a victim to drive to a neighboring city — meaningfully reduces the likelihood that a scam victim follows through on a fraudulent transfer. She noted that many of these scams operate under manufactured urgency and speculated that even a 15-minute drive might provide enough of a pause for a victim to reconsider or consult a family member. She asked Dayley to look into available research on this question.

Chair MacKay noted that she had received numerous constituent responses to her newsletter on this topic, primarily from elderly residents and individuals who had helped family members or neighbors navigate financial scams — including one case involving a loss of \$250,000. She acknowledged that the ordinance would not address all forms of fraud but expressed the view that even an incremental benefit to affected families may justify the measure.

City Attorney Jones was asked whether the ordinance language could inadvertently capture products such as arcade cash cards or store-value systems. Jones indicated that such products would not likely be interpreted as virtual currency kiosks under the proposed definitions and that the police and legal departments would not apply the ordinance in that manner, but noted that clarifying language could be added if the council wished.

Council Chair MacKay moved to advance the ordinance to a night meeting for adoption. Councilor Whipple seconded the motion. The motion passed 4–2 (Councilors Bogdin and Hoban opposed; Councilor Christensen excused)

Dayley confirmed that she would supplement the memo with additional information responsive to the council's questions, including data on whether friction reduces fraud follow-through, as well as data from the Provo Police Department on the number of Provo residents who have been victims of cryptocurrency kiosk scams.

Item 8: An ordinance amending power generation, evaporative cooling, and environmental reporting requirements for data centers (PLOT20250458) [02:14:00](#)

Planner and Sustainability Coordinator Hannah Salzl presented proposed amendments to the city's data center overlay code, describing the effort as a cleanup based on real-world application of the code adopted the prior September, conversations with data centers, other city departments, and UMPA, and lessons learned from processing the first application under the existing code.

Salzl outlined three substantive changes the amendments would accomplish. First, the amendments would remove power generation as a permitted use within the data center overlay zone. She explained that under UMPA policy, data centers exceeding 50 megawatts are required to generate their own power. By removing on-site power generation as a permitted use, the

amendments would effectively cap data center size in Provo to under 50 megawatts, which also triggers minor related code cleanups to reflect the characteristics of smaller facilities.

Second, the amendments would require non-evaporative, closed-loop cooling systems. Salzl explained that this reflects a reassessment of the tradeoff between water use and energy consumption in cooling: closed-loop systems use less water but require more energy. With energy consumption now effectively capped by the size limitation, the prior need to balance those two factors is reduced. Additionally, conversations with data center operators confirmed that closed-loop systems are more feasible than staff had initially assumed, making the requirement more practical.

Third, the amendments would remove the requirement for third-party environmental analysis, which under the current code applies to data centers over 5 megawatts. Salzl explained that when staff reached out to environmental analysis firms, those firms indicated they would have limited material to analyze in the absence of major on-site power generation or discharge into the municipal water system. She noted that a data center meeting the amended requirements would have an environmental footprint comparable to a large office building. Staff emphasized that this change does not eliminate environmental transparency requirements: data centers would still be required to submit estimates of anticipated pollutant emissions, including a comparison against a similarly sized office building, allowing the city to fact-check those representations.

Salzl noted that the planning commission recommended denial of the amendments as proposed, with a counter-recommendation to make on-site power generation a conditional use rather than an outright prohibition, which would allow for greater scrutiny without closing the door entirely. She explained that staff had initially considered the conditional use approach but ultimately proposed the outright prohibition after consultation with other city departments, who viewed it as a cleaner policy signal given the city's apparent appetite for smaller rather than larger data centers.

Salzl also noted that the existing code's high level of council discretion over whether to approve individual data center applications — a feature that has worked well in practice — is not being modified by these amendments.

Councilor Bogdin questioned whether the amendments were necessary given that the council already retains discretionary authority over applications. She stated that she did not recall the council having reached a consensus that power generation on-site was categorically undesirable, and expressed the view that the existing code structure was adequate. Salzl acknowledged the concern and explained that the amendments are intended primarily to signal to prospective developers upfront which uses are likely to be non-starters, reducing uncertainty in the application process.

Councilor Whipple asked whether the removal of the third-party environmental analysis requirement would compromise the city's ability to assess the effects of backup power generation systems, which data centers typically maintain for emergency use. Salzl confirmed that environmental and air quality reporting requirements remain in place; the amendment only removes the requirement for those reports to be reviewed by an independent third party. She

indicated she would double-check the specific provisions related to backup generator emissions reporting. Salzl also noted that regulating backup generators specifically within the data center code may not be the most appropriate approach, given that many other types of facilities in Provo also operate backup generators, and that a more comprehensive noise or emissions standard applied citywide might be a better vehicle if the council identifies that as a priority.

Councilor Whipple also raised a question about noise and vibration from data center operations more broadly, noting that persistent low-frequency noise or vibration, even at levels below the decibel thresholds in the current noise ordinance, could constitute a nuisance for neighboring properties. Salzl acknowledged that this is a documented concern, particularly with larger data centers, and that it was one of the motivations for capping data center size under these amendments. She offered to add more specific noise ordinance restrictions as part of the amendments if the council wished.

Whipple further asked whether very small data centers (e.g. university research computing facilities) might reasonably use evaporative cooling and whether the blanket prohibition on evaporative cooling was appropriate at all scales. Salzl acknowledged that closed-loop systems are more energy-intensive at larger scales and less burdensome at smaller scales, and that evaporative and closed-loop systems can be combined. She offered to follow up regarding the systems used at BYU's on-campus data facilities.

Councilor Whitlock asked Salzl to explain why staff concluded that an outright prohibition on power generation was cleaner than a performance-standards or output-based approach, as the planning commission had suggested. Salzl reiterated that the rationale offered by other city departments was a preference for clarity in signaling to developers, particularly where the perception exists that large-scale on-site generation is something the council would consistently decline. She noted that the planning commission's preferred approach (i.e. a conditional use permit for on-site generation) is a more flexible mechanism but introduces some subjectivity and processing time. She also noted that the fuel cell proposal from a prior applicant would not have met even the current code, as that proposal contemplated an islanded configuration not permitted under current UMPA policy or city code.

Councilor Hoban expressed general support for reviewing the backup generator and noise issues raised by Councilor Whipple and acknowledged that limiting data center size is likely to mitigate many of the concerns associated with larger facilities.

Closed Meeting

Councilor Whipple moved into closed session pursuant to state law for discussion of character and competency of an individual and the potential sale or transfer of property. Councilor Hoban seconded. The motion passed with a vote of 6–0 (Councilor Christensen Excused).

Adjournment