# PROVO MUNICIPAL COUNCIL

**Regular Meeting Minutes**
5:30 PM, Tuesday, May 26, 2026
Council Chambers (Room 100)
445 W. Center Street, Provo, UT 84601 or
https://www.youtube.com/provocitycouncil

**Roll Call**

THE FOLLOWING MEMBERS OF THE COUNCIL AND ADMINISTRATION WERE PRESENT:

Councilor Becky Bogdin
Councilor Gary Garrett
Councilor Katrice MacKay
Councilor Jeff Whitlock
Council Executive Director Justin Harrison
City Attorney Brian Jones
Councilor Craig Christensen
Councilor Travis Hoban
Councilor Rachel Whipple
Mayor Marsha Judkins
Chief Administrative Officer Scott Henderson

Conducting: Chair Katrice MacKay

**Prayer** – Gavin Whiting

**Pledge of Allegiance** – Councilor Travis Hoban

**Presentations, Proclamations, and Awards**

**1 A ceremony recognizing the Provo City Employee of the month: Communications (26-007) 01:33**

Barbara Smith, Director of Communications, recognized Cassidy Clegg Smith, Graphic Designer in the Communications Division, as the May 2026 Employee of the Month. She highlighted Cassidy's creativity, exceptional customer service, professionalism, and dedication to serving City departments and residents through her graphic design work. Ms. Smith noted Cassidy's significant contributions to City publications, branding, events, and communications, and congratulated her on the well-deserved recognition.

**Public Comment 07:34**

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

David Spencer, a candidate for Utah County Commissioner Seat B, introduced himself and shared his background as a former Orem City Council member. He said his priorities include improving communication and collaboration between the County and its cities, increasing transparency and accountability in county government, and ensuring local governments have opportunities to share their needs and priorities.

Gavin Whiting, a Provo resident, said he was attending his first Council meeting to become more involved in local government. He expressed concern about the approval process for a proposed data center in another county, stating he believed public input had been limited. He asked how the Council would ensure that corporate interests and political donations would not take precedence over the interests of Provo residents.

**Action Agenda**

The Council considered Items 2–5 together.

**2 A resolution approving the appropriation of $13,509.21 in the General Fund for a contractual sales tax increment post-performance payment to Day's Market. (26-036) 10:18**

**Motion:** An implied motion to approve Resolution 2026-14, as currently constituted, has been made by council rule.

Cody Hill, Economic Development Division Director, explained that the City entered into sales tax increment reimbursement agreements with the four shopping centers between 2016 and 2019 to encourage reinvestment in aging commercial properties. He said each agreement reimburses owners with a portion of the sales tax generated above an established base-year amount after qualifying improvements are completed. Mr. Hill reported that each development has significantly exceeded its base-year sales tax revenue, demonstrating the success of the program and the City's investment in revitalizing the properties.

Councilor Garrett asked why the reimbursement payments had not been made by the deadlines identified in the staff reports.

He explained that the delayed reimbursements resulted from a staff transition when he assumed responsibility for the agreements at the end of March, after the payment deadlines had passed. He accepted responsibility for the oversight and said he had implemented annual calendar reminders to ensure future payments are made on time.

Councilor Whitlock asked whether future reimbursement payments would be incorporated into the City's budget and how the City ensures sufficient funds are available for the payments.

Brian Jones, City Attorney, explained that the reimbursement amounts cannot be determined until the qualifying sales tax revenue has been generated, which is why the City has historically used annual appropriations rather than budgeting estimated amounts. He further explained that the reimbursements are funded by the additional sales tax generated through the developments' performance, and staff was not aware of any timing issues between receiving the revenue and making the payments due to the City's healthy fund balance.

Councilor Bogdin expressed her preference for continuing to approve the reimbursements through annual appropriations rather than including them in the budget, stating that the process provides greater transparency and accountability. She also thanked Mr. Hill for providing detailed performance data and sales tax comparisons, noting that the information clearly demonstrated the effectiveness of the reimbursement agreements and would help both the Council and the public evaluate future requests.

Chair MacKay opened public comment. With no public comments or Council discussion, she called for individual votes on items 2-5.

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

**3 A resolution approving the appropriation of $31,033.33 in the General Fund for a contractual sales tax increment post-performance payment to the Shops at Riverwoods. (26-035) 10:18**

**Motion:** An implied motion to approve Resolution 2026-15, as currently constituted, has been made by council rule.

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

**4 A resolution approving the appropriation of $83,851.50 in the General Fund for a contractual sales tax increment post-performance payment to Parkway Village. (26-034) 10:18**

**Motion:** An implied motion to approve Resolution 2026-16, as currently constituted, has been made by council rule.

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

**5 A resolution approving the appropriation of $57,765.50 in the General Fund for a contractual sales tax increment post-performance payment to East Bay Shopping Center (26-033) 10:18**

**Motion:** An implied motion to approve Resolution 2026-17, as currently constituted, has been made by council rule.

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

**6 An ordinance amending Provo City code to add a caretaker dwelling as a permitted accessory use in the general commercial zone. (PLOTA20260119) 19:23**

**Motion:** An implied motion to approve Ordinance 2026-15, as currently constituted, has been made by council rule.

Aaron Ardmore, Planning Supervisor, presented. He explained that caretaker dwellings are already permitted in several other commercial, industrial, and public facility zones, and the amendment was requested by a commercial property owner seeking an on-site residence to improve security, maintenance, and property oversight. He noted that the Planning Commission recommended approval.

Councilor Whitlock asked for additional information about the general commercial zone.

Mr. Ardmore explained that the general commercial zone serves as the City's standard commercial zoning district, allowing a broad range of retail, office, and commercial uses, but historically has not permitted residential uses. He said the Planning Commission supported the proposed amendment and discussed potential revisions to the standards for caretaker dwellings, noting those changes could be considered in a future code update.

Councilor Whitlock confirmed that the Council could approve the amendment while considering revisions to the caretaker dwelling standards at a later date.

Chair MacKay opened public comment.

Cheri Soelberg, a Provo resident, expressed concern about parking impacts associated with zoning changes. She described a recent emergency response in her neighborhood that was hindered by parked vehicles and asked the Council to continue considering parking availability and emergency access when evaluating future land use proposals.

With no other public comments, Chair MacKay invited a council discussion.

Councilor Bogdin voiced her support for the proposed amendment, noting that she had seen similar caretaker arrangements at hotels while attending college. She said having an employee reside on-site to provide security and oversee the property during non-business hours could be beneficial for commercial properties.

Chair MacKay called for a vote.

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

**7 An ordinance prohibiting virtual currency kiosks within Provo City. (26-027) 25:23**

**Motion:** An implied motion to approve Ordinance 2026-15, as currently constituted, has been made by council rule.

Melia Dayley, Council Policy Analyst, presented. In response to questions raised during a previous work meeting, she reported that the Police Department had identified one fraud call specifically involving a cryptocurrency kiosk, while noting that additional fraud reports may have involved cryptocurrency but were not specifically categorized. She also explained that research indicates time pressure is a significant factor in the success of fraud schemes, suggesting that reducing immediate access to cryptocurrency kiosks could help prevent scams. Ms. Dayley clarified that the ordinance would prohibit businesses from hosting or operating virtual currency kiosks but would not prohibit residents from conducting cryptocurrency transactions through other means, such as mobile devices or computers.

Councilor Whipple asked whether staff had spoken with businesses that host virtual currency kiosks and whether prohibiting the kiosks could create contractual issues for existing operators.

Ms. Dayley explained that one business owner indicated the kiosk was installed through a leasing arrangement that generated rental income for the business. She noted that the Council could establish a delayed effective date for the ordinance to allow businesses time to comply and address any contractual obligations.

Councilor Whipple expressed support for a delayed implementation period to minimize impacts on existing businesses.

Councilor Whitlock thanked Ms. Dayley for her follow-up research and asked whether cryptocurrency kiosks are typically used as a payment method in broader fraud schemes rather than being the source of the fraud itself.

Ms. Dayley agreed that this is generally the case.

Councilor Whitlock also confirmed that the proposed ordinance would not prohibit prepaid cards or similar products, and Ms. Dayley clarified that those items are not considered digital currency under the ordinance.

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

Councilor Whitlock said he had initially been undecided about the proposed ordinance because of concerns about its impact on small businesses. However, after conducting additional research and speaking with a business owner, he concluded that the kiosks provide minimal financial benefit to businesses while posing a significant risk to the public through their use in fraud schemes. He stated that, although additional regulations could potentially improve safety, prohibiting the kiosks was the more practical approach given their limited use and the potential for substantial financial harm to victims.

Councilor Hoban expressed reservations about the proposed ordinance, stating that he did not believe virtual currency kiosks pose a greater risk of fraud than many other methods of conducting financial transactions. He suggested that most transactions conducted through the kiosks are likely legitimate and questioned whether prohibiting them was an appropriate role for government. While acknowledging that the ordinance would have a limited impact because relatively few kiosks operate in Provo, he said he did not see a compelling need to ban them.

Councilor Garrett asked whether Councilor Hoban had conducted any additional research regarding residents who are unbanked or rely on virtual currency kiosks as a financial service, referencing discussion from the earlier work meeting.

Councilor Hoban responded that he had not conducted additional research for the meeting but was speaking generally based on his understanding of cryptocurrency users. He said virtual currency is often used by younger individuals, people who are unbanked or underbanked, and others who prefer alternatives to traditional banking. He noted that his comments were informed by his personal interest in blockchain technology and cryptocurrency.

Councilor Whitlock asked Councilor Hoban whether individuals who are unbanked primarily use virtual currency kiosks to convert cash into cryptocurrency and transfer it to their own digital wallets.

Councilor Hoban explained that some individuals who are unable to obtain traditional bank accounts due to their banking history may rely on alternative financial services, including virtual currency kiosks.

He said these users often convert cash into cryptocurrency through the kiosks and transfer it to digital wallets on their phones to conduct transactions.

Chair MacKay noted that the proposed ordinance originated from concerns raised by a resident regarding cryptocurrency-related fraud. She emphasized that public input could help identify issues for Council consideration and encouraged residents to continue sharing concerns with the Council. She then called for a vote on the pending motion.

**Motion:** Councilor Whipple made a motion to amend Part 2, Paragraph C of the ordinance to provide that the ordinance would take effect four months after its passage. Councilor Christensen seconded the motion.

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

Councilor Hoban asked whether the City could notify businesses currently operating virtual currency kiosks about the ordinance and its delayed effective date.

Ms. Dayley said staff would coordinate with the Administration to determine an appropriate notification process and follow up with the affected businesses.

Chair MacKay called for a vote on the implied motion.

**Vote:** The motion passed 5:2 with Councilors Christensen, Garrett, MacKay, Whipple, and Whitlock in favor. Councilors Bogdin and Hoban opposed.

**Adjournment**

The meeting was adjourned by unanimous consent at approximately 6:15 PM.

These minutes were approved by unanimous consent on the 14th day of July, 2026.

X Heidi Allman

Heidi Allman
City Recorder