



## PROVO MUNICIPAL COUNCIL

### Work Meeting Minutes

12:00 PM, Tuesday, August 29, 2017

Room 310, City Conference Room

351 W Center, Provo, UT 84601

### Agenda ([0:00:00](#))

#### Roll Call

The following elected officials were present:

Council Chair David Sewell, conducting  
Council Vice-Chair David Knecht, arrived 12:07 PM  
Council member Kim Santiago  
Council member David Harding  
Council member Gary Winterton  
Council member George Stewart  
Mayor John Curtis

*Excused:* Council member Kay Van Buren

#### Prayer

The prayer was given by Jim Miguel, Fire Chief.

#### Approval of Minutes

June 6, 2017 Work Meeting  
June 6, 2017 Council-Airport Board Joint Meeting  
July 11, 2017 Work Meeting  
July 11, 2017 Council-Metropolitan Water Board Joint Meeting  
*Approved by unanimous consent.*

#### Business

1. A discussion on a conservation easement for Rock Canyon (17-085) ([0:05:08](#))

This item was presented by Ginger Woolley, Rock Canyon Preservation Alliance (RCPA), with other members of the steering committee including George Handley and Phil Allen. Erik Davis, who has been instrumental in drafting the conservation easement, was unable to attend. The Alliance members briefed the Council on the history of the RCPA's work with protecting the canyon from development.

Brian Jones, Council Attorney, presented a draft of the conservation easement (drafted by Mr. Davis, with additional revisions by Mr. Jones). The easement references the Rock Canyon master plan, which has not been formally adopted; this would likely need to occur before the easement can be put in place. Mr. Jones noted several concerns which they have been working on clarifying with Mr. Davis and the Administration. Mr. Jones explained to the Council the various options or models of conservation; the draft has been prepared using the most stringent protection, but that is a prime consideration for the policymakers to understand, as the varying levels permit different types of uses (the lowest allows residential and the

moderate allows agricultural uses). Council members and the RCPA expressed concern about the intentions and promises made during the donation-funded property acquisition which has led to the current state of the canyon. Many donors contributed towards the land purchases with the understanding that their contribution would help the canyon to be preserved. Mayor John Curtis spoke about the history of this fundraising effort. The Administration has explored selling the rights to the easement, but as time has passed and this has not been viable, they are satisfied that this collaboration with the RCPA is the City's best option.

**Motion:** George Stewart moved to move forward with the mid-range, moderate standard protection area. **No second was made. Mr. Stewart withdrew his motion.**

Council member Kim Santiago noted that it may be premature to select a protection level without having reviewed the agreement in more detail. Several Council members wished to explore the implications of these levels of protection to find a solution which would be acceptable to both parties. The City wants to create opportunities for as many people to enjoy the canyon as possible. *Presentation only.*

2. A discussion on the Economic Development Department's efforts in workforce development, startups, and women, minority and underserved populations (17-087) ([2:00:44](#))

Allison Lew, Management Analyst, presented on the Economic Development department's programs with workforce development, startups, and work with women, minority, and underserved populations. Dixon Holmes, Economic Development Chief Deputy, noted the Council's instrumental role in helping with a \$2000 loan which was key for jumpstarting the success of the Startup District, the Startup Building, and Dev Mountain. Mr. Holmes and Ms. Lew highlighted successes of several Provo startups and tech companies which have had great success. Scott Peterson, BYU Rollins Center for Entrepreneurship and Technology, commented on the Center's collaboration with the City to serve its student population and the broader community. The relationship between the private and public sector is so important.

Ms. Lew highlighted several of Provo's programs working with girls and young women, including Provo Girls Summit, BRAID Workshop, and Women Who Build. Tanei Henry, who is on the Board of Directors of several of these programs, shared a presentation on the Provo Girls Summit and its amazing success and reach. The program allowed girls ages 8-12 to explore many different careers by talking to women who work in a variety of fields—paleontology, engineering, architecture, and many others. BRAID Workshop is a monthly skills-based workshop that helps women to establish businesses in Provo; providing resources and support in Provo is vital for the future economy. They love to help women to live lives that are economically sustainable and entrepreneurship is a great career for primary care-givers (scalable business, flexible work hours, etc.). Women Who Build focuses on helping women with personal development in business-building skills and meaningful relationships they can take with them to grow and collaborate.

Beyond these specific programs, the Economic Development department helps facilitate spaces, events, opportunities for people to collide and help serve each other and collaborate. Provo has scarce available space and buildings, so it is challenging to build a wall around the business community. Startups grow and evolve, and even when the businesses do leave town, Mr. Holmes noted that there is not a mass exodus of residents. The reasons for a business choosing to move must be compelling enough to outweigh the inconveniences of relocating. As businesses grow and move on, it opens places for other new businesses to crop up and continue the entrepreneurial cycle. *Presentation only.*

3. An update on the General Plan review (17-099) ([0:44:05](#))

Cliff Strachan, Council Executive Director, gave an update on the General Plan review. The current version of the General Plan was amended in 2012, but much of the work contained in it is ongoing, consequently a number of implementation elements have been completed and others are obsolete. Mr.

Strachan explained the process and future steps for prioritizing and executing elements of the General Plan, including aligning Vision 2030 and Vision 2050 with the General Plan. State statute requires municipalities to have a general plan, but the visioning documents have also been developed to serve a specific purpose. Council members expressed their support of this monumental project and encouraged public outreach through the process of the review. *Presentation only.*

4. A discussion on fee updates for Stormwater, Wastewater, Utility Transportation Fund, and the Fire Department (17-101) ([1:02:45](#))

Mr. Strachan introduced the discussion and noted that the Utility Transportation Fund will not be covered during the presentation. He explained the methodology for these fee analyses and explained some of the inherent challenges. The majority of Fire Department fees are mandated by the State; they will focus on the fees for which the City has oversight. Fire Chief Jim Miguel provided additional background on the structure of the Fire Department's fees and their work. Some inspections are straightforward, but many vastly underestimate how much work is being done and consequently require more time from staff. The department does a lot of work (such as consulting on plans, public outreach, etc.) for which there are no fees to maintain the related infrastructure. The department has never done a time movement study to determine costs for travel to and from field locations. The policy consideration is whether fees should be a fully weighted rate based only on labor costs, or if it should include the vehicle used and other factors.

Chief Miguel and Mr. Strachan suggested that they look at these fees in more detail now and during the next budget cycle to determine some direction on the composition of fees, a time and movement study, and studies of comparable cities. They are also exploring a false alarm fee, which would be assessed for instances when there have been multiple concurrent false alarms, which often occur due to outstanding equipment or facilities repairs in commercial structures. Currently there is no incentive for building owners to fix faulty alarm systems; this fee would help to compensate the City for wasted time after an unreasonable number of false alarms and would incentivize building owners to solve any problems with their alarm systems. Chief Miguel noted that in the last year, the Fire Department received 423 false alarms/malfunctions, which came from fewer than 30 facilities. These fees are in place for the Police Department and in the City of Orem and they have seen change in a positive direction. Council members expressed support for the idea and for staff to return with more research and a proposal. Council member Kim Santiago noted that the Council has tried to have those who are using the service pay for the service, so citizens are not subsidizing a service as much as possible.

Mr. Strachan introduced the wastewater fee discussion. They have used a similar methodology to coordinate with Public Works on an analysis of the wastewater fees. Most of the fees are where they should be, as far as the costs of operating a service. The fees for non-residents to haul and dump waste are on the low end of the industry, in order to avoid illegal dumping. The irrigation fees have been retained as there are a handful of clients who are billed through irrigation. One of the primary recommendations is to add a Non-connection to Available Sewer fee; Gary Calder, Water Division Director, was surprised to discover there are several hundred Provo residences still using septic tanks. This fee would encourage residents to connect to the sewer system and lower the amount of septic tanks in the City. A sewer connection is considered 'available' if there is a sewer line within 300 feet of a house. *Discussion only.*

5. A discussion on the Stormwater Fee Schedule (17-102) ([1:27:45](#))

Mr. Strachan also presented on this item. The Storm Water Pollution Prevention Plan (SWPPP) fees were inadvertently left off the Consolidated Fee Schedule as updates were being made at the end of the previous fiscal year. Staff is confident that these fees are fair and representative of the work involved. Mr. Harding shared feedback on the proposed SWPPP fee schedule (Storm Water Pollution Prevention Plan). Many fees are set up with large jumps between categories; he would suggest a different structure so the

increasing rates are more proportional and provide a smoother transition between categories. Public Works staff indicated they could come back and present some comparisons of options. Dave Decker, Public Works Director, noted that smaller steps between fee levels may not be inherently fairer to developers. Mr. Harding suggested trying to achieve a balance between simplicity and equitability. He was open to suggestions from staff who are more knowledgeable about the site-specific application of fees.

**Motion:** David Harding moved to continue the discussion at the September 19, 2017 Work Meeting and continue the item on the evening's Council meeting. Seconded by David Knecht.

**Roll call vote:** Approved 6:0, with Council member Kay Van Buren excused.

6. A discussion on the Zoning Committee's recommendation to amend Provo City Code 6.26.150 (17-104) ([1:37:50](#))

Marcus Draper, Assistant City Attorney, presented. The changes to the ordinance would require a landlord to have a contract with each adult tenant, lessee, and sub-lessee, and for it to include a copy of the Rental Dwelling License and Tenants Rights and Responsibilities document. The intent is for this requirement to better educate landlords and tenants about the legal occupancy, as well as provide an additional tool for zoning enforcement staff to utilize as they work on over-occupancy cases. Zoning enforcement ultimately is trying to help people come into compliance where they are in violation of a zoning ordinance; it does not generally escalate to the Legal department having to file criminal charges, but this can escalate if previous measures are not effective in bringing a resident into compliance.

Council members shared thoughts on the ordinance and tweaks which could improve its utility as well as invite more public support. Council Chair David Sewell shared feedback from the Utah Central Association of Realtors about the ordinance. For compliance with the new ordinance, there will be a designated effective date, and as properties with a current Rental Dwelling License (RDL) come up for renewal, compliance will be a requirement of retaining an RDL.

Mr. Sewell and Mr. Harding shared concerns from young professional constituents, who feel there are unintended consequences of this ordinance (perception that the City does not value or want them and their contributions) and have not felt their voices have been heard in the discussions. Mr. Sewell and Mr. Harding suggested holding an event to invite this demographic to participate and share feedback and concerns. Mr. Sewell suggested having two public hearings on this item, to allow more listening opportunities. ***Presentation only. This item will be scheduled for a first hearing at the September 19, 2017 Council Meeting and a second hearing and vote at the October 3, 2017 Council Meeting.***

7. A presentation and discussion on Budgeting for Outcomes (17-103) ([2:40:45](#))

Kelsey Zarbock, Policy Analyst, presented. Ms. Zarbock outlined examples of how other cities have used budgeting for outcomes—for example, a city may have a general goal of having a safe city. This could be measured through indicators such as crime rate and citizen satisfaction with police responsiveness. Ms. Zarbock explained ideas for how Provo could use a variation of these models to achieve this budgeting model. In researching and talking with other cities, Ms. Zarbock noted the key connection between successful budgeting for outcomes programs and strong administrative support in Strong Mayor-form of government communities. As there is not a cookie-cutter solution, hiring a consultant is highly recommend. Most cities, even small cities, have worked with their consultant for a year to get the program up and running. The consultant mainly works on implementation and training, and then the staff take over. The City's Finance division did a great job identifying functions during this last budget cycle (e.g., Provo Police has several individual functions: Dispatch, Patrol, and Animal Control). Provo 360 will be a key tool with dashboard capabilities allowing staff and citizens to access information.

Ms. Zarbock outlined possible next steps: a conference call with Chattanooga, TN; unify visioning documents & general plan; research consulting options (including with local universities). Council members asked questions which Ms. Zarbock would research and share with them in a future report. Many elements of this budgeting method exist at Provo City, but it is a matter of making them cohesive. Mr. Sewell invited feedback from the Administration at the next discussion, as their involvement is key. Wayne Parker, CAO, noted that the next step is to elevate the dialogue around the mayoral and council candidate races—if this is not part of the dialogue with candidates, the newly elected officials may not share the same vision; their support will be critical. ***Discussion only.***

8. A discussion on the Council's goals concerning minimum unit size requirements (17-111) ([3:26:43](#))

Dustin Wright, Planner, presented. Council members discussed the goals and intended outcomes with minimum unit size requirements. Council members discussed the different needs in the downtown area, that the City has problems with over-occupancy because there is not enough available of the right types of housing stock, providing market rate housing, and stability in neighborhoods. Mr. Wright noted that if the goal of the Council is to establish a regulation that would promote developers to build market rate housing to help keep residents living there longer, this may be achieved through different means that a specific average unit side. There are various policy considerations on the topic, and the nature of the Council's goals will help identify the way forward. ***Discussion only.***

9. A discussion on possible code changes regarding signage (17-110) ([3:48:35](#))

Brian Jones, Council Attorney, presented. With changes in technology, more business owners want to utilize electronic signs. Mr. Jones noted a policy distinction for the Council to consider—is it electronics that the City is opposed to, or just badly implemented electronics (such as bad transitions, too bright, too much motion, jarring transitions at 1:00 AM, etc.). This proposal utilizes industry standard terms referring to how often an image changes: low-churn and high-churn. This ordinance does not change the size restrictions; these will remain as whatever is currently designated for a particular zone. Mr. Jones reviewed changes within the context of the ordinance for on premise high-churn signs. The ordinance includes a transition time of no less than 8 seconds, which is a national standard, and includes a table/matrix denoting brightness, size, and distance from light source requirements. The code change would relocate the section regarding electronic signs from the land use section of the code to the business license section. Many complaints come in regarding signs which are grandfathered under previous land-use codes, but with this change these factors will be more specific regulation for the use of a business property.

Council Chair David Sewell noted that one of his goals was to make the revised ordinance the least objectionable as possible, in order to clear up some of the current situations which have come up as a result of the ambiguity of the current code and simplifies future application of this code—it allows any business owners that want an electronic sign and permits them to have one, but unless they fall in a specially designated area, they can only have a low-churn sign and the size is dictated by the zone. Mayor Curtis admonished the Council to be ready for enforcement issues and continual pressure, as signs will have much more capability than what is permitted. The only change in area/geography is to the zone on Freedom Blvd and extending from 940 North all the way to University Parkway. Animated signs are still completely prohibited. ***Discussion only. This item will be brought back for another discussion at the September 19, 2017 Work Meeting.***

10. A discussion involving the Utah Municipal Power Agency (UMPA) and the Hunter Power Plant Assignment (17-115) ([4:15:34](#))

Travis Ball, Provo Power Director, presented. Lane Burningham, UMPA, was present to answer questions as well. Since 1985, Hunter Power Plant resources have been dedicated to UMPA through a past purchase agreement. Provo is the largest member of UMPA, and had paid for that resource, but other members have paid for it since 1985. In November 1994, UMPA assumed administration and operations of the plant. The asset is paid off and UMPA is currently obligated to pay for all the future costs of that resource/operation/maintenance/decommission. UMPA has this asset on the books but is difficult to bond and do things for the plant since UMPA does not own it. This assignment process simplifies many things, including removing liability for other UMPA municipalities/members. With the agreement, UMPA agrees to take on all liabilities retroactively back to 1985; if something came up and the liability pre-dated this transaction or assumption, UMPA would assume that liability. ***Presentation only. This item will be heard at the September 19, 2017 Council Meeting.***

11. A discussion on funding and appropriations related to an airport improvement project including issuance of sales tax revenue bonds, execution of a Tax Increment Pledge Agreement and development agreement by the Redevelopment Agency, and a resolution appropriating \$11,529,568 in the Airport Fund for infrastructure improvements (17-112, 17-113, 17-114) ([4:23:23](#))

John Borget, Administrative Services Director, presented on an appropriation for airport improvements. Steve Gleason, Airport Manager, and Dixon Holmes, Economic Development Chief Deputy, were also present and shared in the presentation and answering related questions. The Council approved an appropriation in January for funding for design work and the ramp. This new appropriation includes other infrastructure upgrades, which will have residual benefits for other areas of the City, but which are critical needs at the airport. Sources for the appropriation include Section 108 Loans to be repaid with CDBG funds, EDA grant, tax increment toward repaying bond, and a transfer from the General Fund. Mr. Borget responded to a question regarding whether there had been any changes in expectations for CDBG funds for repayment for the future. He indicated that for the next 10 years, the City will have about \$290,000 each year committed for repayment on these bonds that will limit other uses of these funds. The assumption is that these funds will be available, with the added protection from Provo's status as a 108 Loan recipient. If there was warning that funds would not be available in the future, the City could dedicated CDBG funding during one particular year to pay off those bonds.

Dan Follett, Finance Division Director, presented on the bonds associated with the project. \$5.5 million are sales tax revenue bonds. The intent is to repay the bond via tax increment generated by Duncan Aviation. The sales tax revenue bonds are considered very secure from an investor perspective and it gives the City the lowest possible rate on bonds. The Provo School District and Metropolitan Water District of Provo have agreed to participate in the tax increment repayment for these bonds as well. The upper limit is \$6 million (to allow enough room for structuring of the bonds with discounts/premiums). ***Presentation only. This item was already scheduled for the August 29, 2017 Council Meeting.***

## **Policy Items Referred from the Planning Commission**

12. LaVorn Sparks requests an Ordinance Amendment to Section 14.17.020 to add to Conditional Uses SLU #4603 Long-term Vehicle Storage including autos, trucks, and boats (on unimproved lots when non-contiguous to residential zones) within Public Facilities Zones. Citywide impact. (17-00120A) ([4:36:20](#))

Brian Maxfield, Planning Administrator, presented. The applicant has requested the addition of a use within the Public Facilities zone; an alternative would be to rezone to Industrial, however an industrial zone did not seem appropriate to staff for the area on Center Street where the applicant's property is located. This added use would allow property owners to transition a lot to another productive use; the

applicant intends to have an unsurfaced lot for vehicle storage, with engineered gravel which would reduce the impacts of dust and runoff for neighboring properties. *Presentation only. This item was scheduled for the September 19, 2017 Council Meeting.*

## **Closed Meeting**

13. The Municipal Council or the Governing Board of the Redevelopment Agency will consider a motion to close the meeting for the purposes of holding a strategy session to discuss pending or reasonably imminent litigation, and/or to discuss the purchase, sale, exchange, or lease of real property, and/or the character, professional competence, or physical or mental health of an individual in conformance with § 52-4-204 and 52-4-205 et. seq., Utah Code.

**Motion:** Gary Winterton moved to close the meeting. Seconded by David Knecht.

**Roll Call Vote:** Approved 6:0, with Kay Van Buren excused.

## **Adjournment**

*The meeting was adjourned by unanimous consent.*