



PROVO MUNICIPAL COUNCIL

Work Meeting Minutes

12:00 PM, Tuesday, January 09, 2018

Room 310, City Conference Room

351 W Center St, 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
Council Member Kay Van Buren
Council Member George Stewart
Council Member Gary Winterton
Council Member David Harding
Council Member George Handley
Mayor Michelle Kaufusi, arrived 12:15 PM

Prayer

The prayer was given by Council member Gary Winterton.

Approval of Minutes

April 11, 2017 Work Meeting
August 29, 2017 Work Meeting
September 19, 2017 Work Meeting
October 17, 2017 Work Meeting
October 31, 2017 Work Meeting
November 14, 2017 Joint Meeting with the Transportation and Mobility Advisory Committee
November 21, 2017 Work Meeting
December 5, 2017 Work Meeting

The December 5, 2017 Work Meeting minutes were continued to a future meeting for approval. The remaining seven sets of minutes approved by unanimous consent.

Business

1. A semi-annual report from the Sustainability Committee and Agricultural Commission (18-009) ([0:09:03](#))

Shawn Miller, Agricultural Commission, presented on Purchase of Development Rights (PDRs) as a tool for securing agricultural easements. PDRs are generally more successful in preserving farmland than Transfers of Development Rights and are primarily funded by the federal government. The State also often contributes monetarily, but the process is always initiated at a local municipal level. Mr. Miller noted that many farmers do not know their options, but if they understood the benefits/possibilities with easements, the City could utilize these options with greater benefits to farmers. The Commission has shared a draft resolution with the Council which would encourage the State to utilize the LeRay McAllister fund, a tool

for cities to preserve farmland. Mr. Miller noted that Utah County has some of the best farmland in Utah as well as some of the greatest pressure for development. The General Plan and West Side Committee recommend easements as a tool for agricultural/open space protection. Mr. Miller highlighted areas in New Jersey and Pennsylvania which have successfully used PDRs, as well as several examples in Utah County.

The aforementioned resolution would signal that the City is supportive of the State's efforts to promote this tool, and would also signal to local farmers the support of the City as well as their options for preservation. Council member George Handley asked whether decreased funding was due to benign neglect or other reasons. Mr. Miller did not have concrete information, but the Commission was supportive of making this a priority. Council members shared comments on these conservation easements and policies.

Don Jarvis, Mayor's Sustainability Committee, presented the Committee's semi-annual report and findings. Mr. Jarvis made note of a recommendation for creating a budgeted position for a sustainability coordinator at the City, which would complement the existing committee. The Administration is exploring the feasibility of creating this position and Mr. Jarvis highlighted the financial, operational, and environmental benefits to other comparable cities. Council members shared feedback:

- George Handley thought there would be great benefit for the City to have a sustainability coordinator examining large proposals, such as the golf course and medical school. With the appropriate training and expertise, a sustainability coordinator could act in an advisory capacity to the City Council and identify the kinds of questions and issues the City should consider.
- George Stewart had concerns about adding staff, budget impacts, and cost-benefit analysis.
- Mr. Handley shared the organizational structure employed at many universities—many have a sustainability coordinator who must sustain their own salary through the operational savings to the institution (through electricity or resources saved, grants applied and received, etc.) to offset the budget impacts. This may be a useful model for kick-starting a similar program at the City.
- David Harding noted other requests: active transportation coordinator, parking coordinator, etc.
- David Sewell thought this was an issue worth discussing; many community members have concerns about air quality and environmental issues and this may be a good fit in order to promote budgeting for outcomes that is more closely aligned with citizen priorities.

Motion: David Harding moved to place the resolution for the LeRay McAllister on a future Council Meeting agenda. Seconded by George Handley.

Some Council members had additional questions or concerns about the fund and requested information and further discussion on the resolution.

Amended motion: Mr. Harding amended the motion to specify that the item would be added to the Work and Council Meetings on January 23, 2018. Seconded by George Handley.

Roll call vote: Approved 7:0.

2. A recap on Council's 2016-2017 Priorities (17-011) ([0:43:47](#))

Cliff Strachan, Council Executive Director, presented. Mr. Strachan reviewed the priorities which the Council had established in 2016 and reviewed the results and progress with these items. Notable progress occurred in particular with Zoning Compliance, Development Approval Process, General Plan Update, West Side Planning, and Public Engagement. Carrie Walls, Zoning Administrator, shared how operational changes have impacted the division's ability to focus on this Council priority. Council members also shared observations regarding the progress on the previous two years' priorities. *Presentation only.*

3. A discussion on the Vision 2050 effort (18-011) ([1:22:36](#))

Council Chair David Sewell presented on the previous efforts with Vision 2050 and invited the Administration to share their intentions about the process going forward. Wayne Parker, CAO, shared background on the process of creating Vision 2030 and subsequent updates with Vision 2050. The Mayor and Council wished to bring cohesiveness with the City and larger community's vision and focus, and these documents were the result of a steering committee, resident working groups, stakeholder groups, board of education, non-profits, civic, neighborhood, and other local organizations. Recommendations for initial updates for Vision 2050 have been assigned by chapter to the City board or commission most closely related, with input from residents at neighborhood meetings.

Gary McGinn, Community Development Director, and Bill Peperone, Community Development Assistant Director, gave additional insight on the past process and implementation, noting the overlap of Chapter 13 of the General Plan with Vision 2030 which resulted in a merged document which was the resulting Vision 2050. Mr. McGinn and Mr. Peperone noted the changing approaches of past and current Councils and outlined the direction they had currently been operating under. Council members thanked Mr. McGinn and Mr. Peperone for their update and expressed a desire for Council's involvement in determining the future direction and conversation surrounding the updates. Mr. Strachan emphasized that the current work of staff to combine relevant portions of these documents while working on the General Plan update does not preclude the Council and Administration from updating their vision for the future. Mr. McGinn offered additional clarification on Vision 2030, an adopted formatted document, versus Vision 2050 which was discussed in principle but never adopted. Wayne Parker, CAO, noted that Vision 2030 was intended to be a broader community vision; the General Plan is clearly a city plan where the City controls all aspects.

Council members commented on the process and the future direction of the General Plan update and visioning update. Many felt that the visioning update needed extensive public outreach before reaching a final document, but that the General Plan [which has its own public comment provisions] was overdue for an update. Mr. Harding specifically viewed the timeline as the reverse, with the visioning update coming first and then informing changes or updates to the General Plan. The Administration sought direction from the Council on the preferred process for the update and desired vehicle for the results of this process. Mr. Parker noted that a past public outreach event, the Provo +50 Summit, was very effective and could be replicated for future outreach with Vision 2050.

Motion: George Stewart moved to continue the General Plan update, aligning it with Vision 2030, then once it has been completed to continue with the process for updating Vision 2050 as guided by the Administration. Seconded by David Knecht.

Mr. McGinn responded to a question from Council member Gary Winterton, clarifying that with the existing portions of Vision 2050, they have tried to incorporate this where appropriate in the General Plan.

Amended motion: Mr. Stewart amended the motion to include anything that has come from the Vision 2050 process completed to date. Seconded by David Knecht.

Mayor Michelle Kaufusi noted that Vision 2030 has been an important tool for department directors.

Roll call vote: Approved 6:1, with Council member David Harding opposed.

Mr. Harding presented briefly on his proposed draft for Chapter 10 of Vision 2050. His proposal for this chapter took the best parts of previous sections on diversity/unity and broadens this to civic expectations and what we expect from ourselves as citizens and residents of Provo. He felt that the first portion of every section should be the actual vision of what Provo is like in this aspect in 2050. While not listing complete

goals, this is a common starting point for each section. Mr. Harding invited Council member input on his draft proposal. Mr. Parker explained the process by which the original section 10 came about—it was the product of a committee with a wide variety of ethnic, cultural, and religious leaders in the community. Mr. Handley noted that there were several concrete descriptions of diversity in the original which he felt merited inclusion in the updated document. He welcomed further feedback from the original committee members involved in its creation. Council members George Handley and David Harding volunteered to continue working on section 10, noting that they would circulate drafts to Council members.

4. A discussion on a proposed "Welcome Home" resolution (18-012) ([1:59:09](#))

Council Chair David Sewell presented. Several years ago, this discussion began on keeping the kind, caring, and civil attitudes that have traditionally be shown in Provo, and to make a statement to encourage this civility in Provo regardless of what is happening in the national political sphere and elsewhere. Its adoption had been delayed as not to appear connected with a divisive presidential election, but a new year presented an opportunity to revisit the discussion.

Council members shared feedback on this idea, many expressing their support and their feelings relative to the topic. Mr. Handley felt it was a positive affirmation of Provo's community values. Mr. Harding and Mr. Sewell shared feedback of School Board members' positive responses to this several years ago, which Mayor Kaufusi echoed. Mr. Stewart felt that separating this from the divisive presidential election made a big difference in how it would be received. Mr. Knecht shared a family story of how discrimination has happened in our communities and elsewhere, and that we don't want to continue those actions.

The Administration and Council members discussed slight changes to word choice and nuance of the resolution as written, and shared suggestions. Chair Sewell invited a question from the press—Genelle Pugmire, Daily Herald, asked how this resolution would be implemented or what its intent was. Mr. Sewell deferred Ms. Pugmire's question until the Council had first passed the resolution.

Motion: George Handley moved to change "reject" to "protect against" and send the amended draft resolution to a future Council Meeting for approval. Seconded by David Knecht.

Roll call vote: Approved 7:0.

5. Training on the Open & Public Meetings Act and training on Government Records Access and Management Act (GRAMA) requests (18-013) ([2:29:55](#))

Brian Jones, Council Attorney presented this annual training as part of a statutory mandate. Mr. Jones defined terms and criteria as stated in state code relevant to public meetings and records management. Referring to these sections of state law, Mr. Jones presented various hypothetical situations which would or would not be compliant with the law, and elaborated as regards the opinions of Provo City Legal as to the interpretation of nuanced situations. Mr. Jones noted that the legal opinions of the City and State attorneys fall across a wide spectrum; with this training he hoped to outline the relevant provisions of state code and what those specify. Mr. Jones noted, too, that in many situations, the public opinion or optics of a situation hold sway with constituents, whether or not an action is technically legal under state law.

Mr. Jones briefly reviewed the topics below:

- Electronic meetings
- Closed meetings
- Requirements for noticing and making records available following meetings
- Common violations of the Open and Public Meetings Act, and their repercussions

- Government Records and Management Act, which mandates how records classified, managed, stored, made available to the public, etc.
- GRAMA requests, Constitutional rights to access and privacy, and classifications of records
- Examples of records or non-records under state law
- Records management and retention schedules

Mr. Jones answered several questions related to GRAMA requests and the criteria for fee assessment, which is generally waived for the press due to the direct nature of the press's requests. In conclusion, Mr. Jones explained how with the advent of technology, text messages or email often take the place of informal chats, but it is helpful to consider the nature of creating these kinds of records in light of public access to many such records. *Presentation only.*

6. A presentation on the Redevelopment Agency (18-014) ([3:11:13](#))

David Walter, Redevelopment Agency Department Director, presented. Mr. Walter explained the purpose and composition of the Redevelopment Agency, as well as how it is related to yet distinct from the City Council. The RDA is not a tax agency and does not levy taxes, but is a tool given to governments to allow the City to invest and give attention to areas experiencing blight or which are ready for redevelopment. The process, notably tax increment financing, involves the other taxing entities in the area: Provo City, Utah County, the School Board, and Metropolitan Water District. The RDA uses tax increment in various ways:

- to buy property
- can be used as a payment mechanism
- sell bonds to monetize income stream to pay for improvements up front
- can be offered to the developer as an incentive

Of the annual taxes assessed on a property, a specified percentage goes to each of the area's taxing entities. With redevelopment, it is presumed a property's value will increase in the future. The tax increment refers to the difference in the taxes collected based on the property value before creation of the Community Development Area (CDA) and what is collected after the improvements are completed [and the value increases are seen for the involved property]. Each entity will continue to receive their due percentage of the taxes collected on the initial value. With a higher-value property, the tax income increases across the board. Of the difference generated due to the redevelopment of the property, a portion is given to the RDA in cooperation with the other taxing entities through an interlocal agreement. Of the entities involved, Provo City contributes most of this increment tax income back to the RDA. Mr. Walter outlined an example with Duncan Aviation and how tax increment financing and investments work with regards to this property. The basis for this process is the idea that a taxing entity gives up a small portion of their increased tax income in the short-term with the assumption that in the long-term it will be a better investment and improvement of the property and increase their long-range tax income for years to come.

Mr. Walter shared a graphic depicting current CDA and areas of potential opportunities in the City. Generally CDAs are not created for solely residential areas, as they should be of general benefit to the community as a whole. Mr. Walter noted that there are other funding mechanisms which are more appropriate for redevelopment in primarily residential areas. Mr. Walter shared several examples of successful RDA projects in Provo City, including: 63 East Center, Utah Valley Convention Center, LDS Center City Temple complex, downtown improvements such as blade signs for local businesses, bike racks, revitalization of the Frontrunner station, and the current RDA projects at Duncan Aviation. Mr. Walter noted that the RDA does not carry eminent domain authority in project areas; all projects use the negotiated and appraised values of properties. The RDA or City do not necessarily need to own any of the property in order to designate a parcel as part of a CDA; the designation is simply an opportunity to bring resources to an area which would benefit from their application and related improvements.

Community Development Block Grants from the federal Department of Housing and Urban Development is the other funding mechanism for the RDA. Mr. Walter shared a list of partners the RDA has worked with in the past five years through the social services portion of CDBG, highlighting specific projects. Isaac Paxman, Deputy Mayor, asked about obligations with federal funds. Mr. Walter explained the criteria and noted that last July, HUD's audit of Provo City programs showed that the spending was aligned with the City's stated intent and the program's goals on the federal level. *Presentation only.*

7. An update on the Nevada Avenue Trail (18-015) ([3:42:48](#))

Brian Torgersen, Public Services Division Director, shared background information on this project and an update on its status, acknowledging other Public Works staff in attendance. Mr. Torgersen explained that a portion of the southern section of Nevada Avenue is located on private property, but is maintained and plowed by Provo City. The current street is paved asphalt, but is not adequate for the current vehicle and pedestrian use of the section of road in question. Currently there is no CIP funding for improvements, but the aim of this project is to provide striping on the road, as well as a side path/area for pedestrian use (both to designate space for pedestrians, as well as improve safety for its users) using existing City labor and surplus materials. Mr. Torgersen outlined options for the improvements which have been shared with the property owners and neighbors. One property owner had concerns that their portion of property which would be impacted was already quite unusable; its highest and best use was a garden and chicken coop.

Wayne Parker, CAO, and Mr. Torgersen outlined related challenges:

- There is not CIP funding and the project would use existing city labor and surplus materials.
- The unbuildable property has been the main issue; purchasing the right-of-way from this neighbor would likely necessitate purchasing rights-of-way from all the property owners, which would render the project more costly and involved (due to the additional property purchases and subsequent improvements of full-fledged curb, gutter, and sidewalk).
- At one time, the City had received permission from property owners to make the improvements on the private property. With a change of ownership, it may be difficult to reach this same consensus.
- The implications for funding vary, depending on the nature of the project and funding source.

Council member David Knecht asked the Administration to consider making this a CIP project. Council member George Handley suggested the idea of converting the property in question to a dog park or related use; this kind of use might make more sense to the rest of the community and help to resolve the issues in a productive manner. Melanie McCoard, citizen, shared insights on the area and properties.

Motion: George Stewart moved to allow the Administration to enter negotiations with the property owner to find what the property would cost and to take steps to purchase it if the other neighbors agree to their past agreements [to provide the City the use of their private property to make necessary improvements]. Seconded by Dave Knecht.

Mr. Stewart clarified that the intent of his motion was to provide options to the Administration; it may, particularly if an appropriation were needed, require additional discussion with the Council.

Roll call vote: Approved 7:0.

8. A discussion on creating the Department of Customer Service (18-016) ([4:01:44](#))

Wayne Parker, CAO, presented on this item and the history of the Customer Service division. Originally housed under the Energy Department, Customer Service was moved several years ago to the Mayor's

Office. In the interim, operations have grown and become far more interdepartmental. Mr. Parker explained that it is a convenient and centralized operation where citizens can come to get a federal passport, business license, parks reservation, and many other services. Customer Service is expanding many services, such as licensing, online throughout the coming months.

The Administration has brought a proposal to the Council to have Customer Service as a distinct department. As currently constituted, Customer Service is funded from other departments' use of the service. Under this proposal, the current manager would become the director and the Customer Service Department would continue to report to the Mayor's Office. The budget impacts of the change are minimal and the changes could be made within the existing scope of the budget. Mr. Parker expressed that this was a supremely good example of how city government can work and would be the logical thing to do given how the scope of the operation has grown over time. Mayor Michelle Kaufusi is strongly in favor of the proposal and has directed the Administration's efforts in this change.

Motion: George Stewart moved to place an ordinance creating a Customer Service Department on the agenda for the January 23, 2018 Council Meeting. Seconded by Kay Van Buren.

Roll call vote: Approved 7:0.

9. Norman Thurston nominates the Pierpont House, located at 957 East Center Street, to the Provo Landmarks Register. Foothills Neighborhood. (17-0001LMN) ([4:17:30](#))

Josh Yost, Planner, presented on this nomination to the Provo Landmarks Register, which was submitted by the property owner. The Landmarks Commission made a unanimous recommendation to add the house to the Register. Council member Gary Winterton asked what makes this house unique. Mr. Yost said this was a well-maintained, modest example of a period revival cottage. This was a common home type of the period, of which not many exist on the Landmarks Register. Mr. Yost explained the criteria for a structure to be nominated, and noted that this nomination meets well beyond the required minimum criteria.

Motion: George Handley moved to put this item on the agenda for the January 23, 2018 Council Meeting. Seconded by David Harding.

Roll call vote: Approved 7:0.

Policy Items Referred from the Planning Commission

10. Nathan Chappell requests a Zone Change from A1.5 to R1.8 for 2.32 acres of property located at approximately 1282 North Geneva Road. Lakeview North Neighborhood. (17-0009R)

This item was already scheduled for the January 9, 2018 Council Meeting and the presentation was continued until the evening meeting.

11. The Provo City Council Office requests ordinance amendments to Sections 6.06 and 14.38 for signage within the City. Citywide impact. (17-0019OA) ([4:10:38](#))

Brian Maxfield, Planning Administrator, presented on this ordinance change which would relocate some of the City's signage requirements to the business licensing section of the City code. Mr. Maxfield answered questions from Council members and explained that the change would better align the code with current business trends. Brian Jones, Council Attorney, noted that the change provided a more flexible standard than currently permitted. Mr. Jones provided a summary of previous discussions about the changes:

- in areas where electronic signs already exist, nothing is changing;
- with these changes, electronic signs will be permitted in other areas of the City, provided that these meet the churn and brightness requirements;

- and size requirements will remain the same, namely whatever currently exists in a specific zone.

Discussion only. This item was already scheduled for the January 9, 2018 Council Meeting.

12. The Provo City Community Development Department requests an Ordinance Amendment to Section 14.06.020 to adopt a definition for “Road.” Citywide impact. (17-0023OA)

This item was already scheduled for the January 9, 2018 Council Meeting and the presentation was continued until the evening 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: Kay Van Buren moved to close the meeting. Seconded by George Handley.

Roll call vote: Approved 7:0.

Adjournment

Adjourned by unanimous consent.