



PROVO MUNICIPAL COUNCIL

Work Meeting Minutes

12:00 PM, Tuesday, May 15, 2018

Room 310, City Conference Room

351 West Center Street, Provo, UT 84601

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

Roll Call

The following elected officials were present:

- Council Chair Gary Winterton, conducting
- Council Vice-chair David Harding
- Council member David Sewell
- Council member David Knecht
- Council member George Handley
- Council member Kay Van Buren
- Council member George Stewart
- Mayor Michelle Kaufusi, arrived 12:50 PM

Prayer

The prayer was given by Council member Kay Van Buren.

Business

1. A discussion on Council priorities. (18-004) ([0:01:33](#))

Council Executive Director Cliff Strachan presented on Council priorities, including previously adopted priorities and revised drafts for current priorities. Mr. Strachan outlined elements of each and Councilors gave feedback. Councilor David Harding asked about the objective of the discussion—whether the Council was to approve proposed changes, assess progress, and identify a plan for moving forward, or whether the intent had a narrower focus. Mr. Strachan indicated his intent to review the updates with the Council, who could adopt these by motion. Future changes or adjustments could be made at a later time.

Affordable Housing - Councilors shared aspects they felt should be addressed under this priority:

- Distribution of affordable housing throughout the County
- Median income – needs to be higher in Provo in order to help overall affordability
- Need for relevant, current data on demographics to assess the community's housing needs
- Consideration of market conditions – are we committing to subsidizing housing?
- Sustainability is not accounted for in other priorities, though this is critical to sustainable development; does the Housing Committee address considerations such as proximity to transportation, grocery stores, etc.

Budget for Priorities

- During budget review, Council members and staff should examine whether the budget reflects the progress and desired outcomes associated with the Council's priorities.

Economic Development

Zoning Compliance - Councilors shared comments about this priority:

- Importance of a holistic approach to evaluating zoning enforcement solutions and progress
- Policy discussion surrounding the scope and definition of “short-term rentals”

Vision 2050 – Mr. Strachan and Councilors shared feedback about this priority:

- Current focus is General Plan but the focus will shift to Vision 2050
- Need for long-term tracking
- Suggested language changes for desired outcomes (“key leadership” to “key partners”)
- Councilor David Harding said that he was ready to adopt the other four priorities, but desired more time to review the Vision 2050 priority.

Councilor George Handley noted that sustainable development was not addressed in the priorities. He expressed a concern that agricultural and open space preservation, transit, and connectivity were important considerations in broader discussions on housing; he felt that these should be identified in some capacity, as he considered those factors as essential contributors to the quality of life in Utah Valley. Council members discussed the nature of these priorities and how these elements fit into the larger scope. Mr. Strachan suggested assigning these factors to specific committees. Councilor David Knecht noted that many of those factors require hand-in-hand feedback from the Administration. ***Discussion only. This item was continued to the June 5, 2018 Work Meeting.***

2. A presentation on the Sewer Treatment Siting Study (18-052) ([0:53:50](#))

Dave Decker, Public Works Director, introduced the consulting team and staff. Four consultants collaborated on the siting study for the sewer treatment plant: Marv Allen, Hansen Allen & Luce; Cory Christiansen, WaterWorks; John Mabey’s law firm [Provo City’s water rights attorney] represented by Jon Schutz; and Brent Ventura, Horrocks Engineering.

Mr. Decker explained that the siting study was an important next step relative to decisions about a sewer treatment plant. Mr. Decker clarified that the resolution scheduled at the May 15, 2018 Council Meeting related to a State deadline for the variance granted to Provo and was not related to the current discussion on the siting study. Mr. Decker also clarified that the Council was not bound to a specific location at this point, but that the siting study was the next step in the decision and consideration process.

Chair Gary Winterton inquired of Council Attorney Brian Jones whether any part of the discussion were eligible for a closed session. Mr. Jones indicated that portions relating to strategy session regarding the sale or purchase of property could be discussed in a closed session. Mr. Decker noted that of the four sites that the consultants evaluated, two were City-owned properties and only two were not owned by the City but were holdings of another governmental-type agency; Mr. Decker was not concerned about this discussion happening in an open meeting.

Marv Allen, of consulting group Hansen Allen & Luce, introduced the project team and the various engineering and legal firms which have been involved in the wastewater treatment center planning process. Mr. Allen outlined background information regarding the current wastewater treatment facility. Much of the existing facility is beyond its useful life and the consultants have concerns about the high risk of operational failure. The purpose and scope of the siting study was to identify and evaluate alternative sites for replacement of Provo’s sewer treatment facility. Mr. Allen noted that the study did not include an evaluation of interim operations and improvements or recommendations for a future plant.

Mr. Allen outlined the evaluation criteria and the site comparison scoring system. His presentation provided reference details on these areas and how the criteria were weighted. The criteria included:

- Conveyance system hydraulic considerations
- Emerging technologies
- Sustainability
- Environmental issues
- Public acceptability
- Impacts on development timing
- Potential for phased construction
- Constructability
- Financial and economic considerations
- Risks

Mr. Allen outlined maps of each site and considerations regarding each category or criteria. All sites were favorable with regards to accommodating emerging technology, as Provo has decided to pursue a new plant. Initially, site 2 was identified as more favorable, but following more analysis and discussion, site 1 was more preferable than initially anticipated. The consultants examined risks for each site; site 1 had risks associated with the landfill such as construction risks, timing, and installation of utilities. Mr. Allen outlined the total weighted scores for each site (noting that a lower score is more favorable): site 1: 62.5, site 2: 54, site 3: 76.5, and site 4: 88.5. Mr. Allen compared the construction costs and estimated operations and maintenance costs for each site, noting that the phased approach was based on today's numbers and did not factor in possible increased construction costs for the future phases of the project.

Based on the analysis and scoring of the consultants, the group has recommended site 2 for selection for the new wastewater reclamation facility. A key factor in their recommendation has been the risk versus required project timing. If the City does select site 2, the consultants recommend that the City acquire property immediately to the east; as site 2 was the smallest of the four sites, this would allow a buffer for additional expansion should that be needed at a later time.

Mr. Allen outlined the next steps in the process, which would depend on the City's decision:

- Complete site selection as soon as possible
- Design phase of the project
- Permitting
- Final application process – this involves a complex permitting and approval process with the State and other agencies.

If site 1 is to be selected, the consultants recommend a site investigation immediately. There was also a future policy question regarding the plans for that property regardless of its status for a wastewater treatment plant project. For any site, environmental impacts would need to be assessed. If the impacts are low, an environmental assessment (EA) would be completed. If the property's environmental impacts surpass a designated threshold, a more intensive environmental impact statement (EIS) would be needed, which discloses any concerning elements to the public. These documents provide an assessment which is taken together with other parts of the project to determine any mitigation or other strategies for a project.

Mr. Decker expressed appreciation to the consulting group for their work preparing the siting study. He noted that water quantity may be an environmental concern for some of the properties identified.

Mr. Decker invited any questions from Council regarding the resolution on the evening meeting agenda. He clarified that the item on the evening Council Meeting agenda did not make a determination as to a site; rather, the resolution would simply indicate to the State the City's general approach to resolving and meeting the variance requirements for phosphorous. The variance letter from the State granted the City

until June 1, 2018 to submit a resolution stating the intent (or which method) and an approximate budget for the facility. This would simply advise State and Division of Water Quality staff of a general approach.

Regarding the wastewater treatment facility site, Mr. Decker and staff would prepare recommendations to bring back to Council. **Presentation only. This item will be back to the June 5, 2018 Work Meeting.**

3. A presentation on the review of the 2017 Vote-By-Mail Process and an update on the 2018 Election (18-060) ([2:32:44](#))

Amanda Ercanbrack, City Recorder, outlined the presentation and introduced Bryan Thompson, Utah County Clerk. Mr. Thompson provided background information on the 2017 vote-by-mail election and some of the lessons learned from the experience. Mr. Thompson explained the technology involved in collecting and enumerating results, as well as the constraints and challenges present and how these aspects affected the process of sharing results of the election. Mr. Thompson outlined the options and recommendations shared with the County Commissioners for vote-by-mail in 2018 as well as other considerations of and plans for the 2018 election. He encouraged the County Commissioners to prioritize consistency, rather than switching every other year between vote-by-mail and traditional methods.

Mr. Thompson addressed a question about turnout rates with vote-by-mail, which has proven very effective in municipal elections. A 39% turnout in the last election was largely driven by the Mayoral race and special Congressional election, though vote-by-mail tends to result in at least a 10% increase regardless of the races involved. Mr. Thompson explained that voters remain on the rolls for up to two presidential election cycles; per state law, voters retain an active status for up to two general elections. If a voter has not participated in a general election in 8 years, then they can be reduced to an inactive status. The voter service center helps voters navigate this system as there are some voters who only participate in presidential elections.

Mr. Thompson addressed the County's error in sending Republican-candidate-specific ballots to unaffiliated voters in the 2017 election. Mr. Thompson explained that the County has planned for increased staffing levels and equipment updates in order to maximize efficiency in reporting election results in the forthcoming elections. **Presentation only.**

4. An update on the deer harvesting program (18-061) ([2:10:50](#))

Camille Williams, Senior Assistant City Attorney, presented an update on the deer harvesting program, which is finishing its second of a planned three years. Ms. Williams explained the impetus for the program, which was the significant impacts of urban deer on residents, both in causing traffic accidents as well as the impacts to property owners and landscaping. Ms. Williams referenced graphics depicting deer calls (which included deer killed in traffic, deer caught in fences, and other deer-related complaints). The City receives between 150-200 calls annually, the majority of which relate to deer killed in traffic. Higher speed roads and those with sight limitations have higher concentrations of deer-related auto accidents, including 900 East, south State Street, and University Avenue.

The Division of Wildlife Resources (DWR) handles the non-lethal part of the program, which includes trapping and translocating deer. Ms. Williams outlined the parameters of the trapping season. The City appropriated an initial \$35,000 as a set amount to be spent over the three years of the program. Ms. Williams and Dustin Grabau, Budget Officer, outlined the unspent funds and noted that billing has not yet occurred for this year from the DWR. Ms. Williams has acted as liaison between the City, Police Department, and Humphries (contracted to handle baiting traps for lethal deer harvesting). The City's Legal and Police Departments, DWR, and Humphries recommend that the Police Department hire a part-time or seasonal position to handle baiting traps during summer months. Ms. Williams said that if the City

were to continue the program beyond the initial three years, the City would need to apply for an extension with the DWR regarding their services. Mr. Grabau explained that for future years of the program, the Council could either add a flat amount through the appropriation process, or that the Administration could add this program to the annual budget process to account for the continued operations.

Motion: George Stewart moved to continue the program for another year and request the Administration to add any funding necessary to the budget to continue the program for the next year. Seconded by David Sewell.

Councilors discussed continuation of the program. Councilor George Handley asked what Council saw as an indication that the program was successful. Ms. Williams said communities such as Highland and Herriman have considered their programs a success when the incidence of deer-related auto accidents has decreased. Ms. Williams explained the video analysis work performed by Humphries and Councilors requested more specific feedback from Humphries in order to form a better framework in which to analyze the decision. Ms. Williams noted that ultimately, the policy decision for the Council may be whether the Council sees the impacts of deer as a result of where someone has chosen to live (on the east bench, in close proximity to the mountains, etc.) versus as a public safety issue for the City.

Roll call vote: Approved 7:0.

5. A discussion regarding the supplemental budget requests and the variance in tax revenues. (18-005) ([3:02:01](#))

This item was presented by John Borget, Administrative Services Director, and Dustin Grabau, Budget Officer. Mr. Borget outlined a number of critical items in the supplemental requests list. Specifically, Mr. Borget and Mr. Grabau addressed items which have been funded in the proposed fiscal year 2019 budget:

- Part-time city recorder (demands of OnBase and Provo 360 functional requirements and record management, as well as increased demands with GRAMA requests)
- Information Systems – information security positions
- Parks and Recreation – reorganize project team staff, additional Rec Center staff and other costs, Triple Play funding, and Golf Course full-time staff increase
 - \$500,000 increase in revenues projected for Rec Center membership program as part of the Triple Play program
- Police Department – 4 additional officers funded (including equipment and vehicle purchases which would be leased from the fleet bank), body-worn cameras, Police budget analyst
 - Mr. Borget recommended further discussion with Chief Rich Ferguson on the funding request for additional officers at the Council’s planned Budget Retreat on May 22, 2018.
- Public Works – GIS manager position (half funded from General Fund, half from Public Works Administration fund [which comes from the Water fund]), digital standard radios, Sanitation foreman, Stormwater position changes, part-time water operator
- Customer Service – Customer service representatives (for appropriate staffing and coverage during software testing period) (this may not be a true ongoing cost, but may carry over as a request for multiple subsequent years, as the Provo 360 project has a multiyear implementation)

Items marked with “E” in the priority grade denote equipment-related requests. Mr. Grabau and Mr. Borget indicated that they are happy to provide Council members with additional information on any supplemental requests about which they have questions. They also indicated that Council members could alert staff of additional questions in advance of the May 22, 2018 Budget Retreat.

Council member David Harding asked about elements and requests which remained unfunded and wondered whether there were additional needs that were not being met. He asked Council members whether they would want to discuss a property tax increase, which had been brought up last year. Mr. Strachan indicated that departments with supplemental requests or fee increases would be invited to the Budget Retreat. *Presentation only.*

6. A discussion on options for funding on Miss Provo and parade float (18-055) ([3:35:33](#))

Council Chair Gary Winterton introduced the discussion. Mr. Strachan gave additional background information about the comments received from Provo residents through the Open City Hall topic on the Miss Provo Organization (MPO) and future of the City's parade float. Mr. Winterton explained the discussion with the MPO which initially sparked the continued discussion regarding the direction for the City's parade float and MPO. Mr. Winterton invited Councilors to begin by discussing the float.

Council members, the Administration, and staff members shared comments about the City's parade float:

- Councilor David Sewell said that the MPO was willing to continue riding the float. He proposed that the Mayor's Office assume management of the City's relations with MPO; the Council office did not have the same administrative and operational capacity as the Mayor's Office.
- Mr. Strachan added several specific examples of the challenges the Council has faced in administering the program (inability/non-authority to accommodate administrative requests, access issues, driver issues, etc.). The Council is not responsible for staff outside of the Council office, so Council staff's hands are tied somewhat—it ultimately comes back to the Administration or a Department Director to grant a request. Mr. Strachan also outlined his experience working in other cities and how the staffing of parade drivers was managed.
- Mr. Winterton noted Council's concerns about liability, comp time, and organizing a driver. Mr. Winterton noted a policy decision point regarding the cost of the float and whether the City would provide a driver.
- Mr. Harding referenced the results from the Open City Hall survey. He saw value in Provo having a float. He hoped the Council could decide whether or not there were value in this. If the Administration did not agree, then he thought perhaps the City should not continue to own and operate the float.
- Wayne Parker, CAO, shared his perspective on challenges with a City-provided driver during peak summer vacation time over numerous Saturdays. Requiring a Commercial Drivers License narrowed the pool of possible drivers considerably and scheduling of CDL drivers (such as firefighters) introduced additional complications. Mr. Parker indicated that the Administration could explore other options, though they have taken the historic position that the MPO should be funded by non-taxpayer dollars (i.e., that MPO should raise money and secure sponsors). The relationship between Provo City and MPO needed to be very closely outlined and stated.
- Mr. Decker shared additional challenges with regard to a City-provided drivers. Provo has many older, tenured employees with a lot of accrued comp time, so the offer is not as attractive. There are also concerns with the transportation of the float and incurred costs and associated time. He would prefer that the City have staff on or walking near the float who can act as spotters, as there are many liability concerns with spotters and blind spots for the driver.
- Councilor George Handley noted that if the Administration was not comfortable with sponsoring MPO with public funds, that this changed the nature of the policy question surrounding the float.

Motion: George Stewart moved to continue the \$21,000 funding in the FY19 proposed budget and to carry it over to the Administration. at the Council is willing to fund Miss Provo at \$10,000 and float at \$11,000 conditional on the Administration is willing to accept management of the program. Seconded by David Sewell.

Mr. Strachan noted that the MPO funding has already been included in the proposed budget; it has been treated as an ongoing amount in the Council office budget and has been proposed for fiscal year 2019.

Council members shared further comments and discussion:

- Mr. Winterton asked the Mayor to share more feedback with the Council. Other Councilors were also anxious to hear the Mayor and Administration's response and feedback.
- Mr. Handley was not comfortable using public funds for MPO. He understood that the program was a longstanding tradition, but in a frank manner he outlined his concerns with the scope of the program and contest. He thought the objectification of women was a serious problem in society and he thought that the Council needed to make a change with that. In professional and ecclesiastical settings, Mr. Handley does not use physical appearance as a means of evaluating women he works with—he was accordingly not comfortable doing that with taxpayer funds.
- Councilor Kay Van Buren echoed Mr. Handley's sentiments.
- Mr. Sewell felt there was some degree of misunderstanding about the MPO. He shared information he has learned about the program through his involvement with the organization during his time on the Council. The MPO is a local chapter of the Miss America organization which focuses on scholarship, success, style, and service. Having worked with several Miss Provo applicants, he felt that the program helped develop leadership and communication skills for the women who participated. He also felt the program brought a huge benefit to the City—Miss Provo serves at City events, ribbon-cuttings, parade, as well as hundreds of hours devoted to their service platform. He felt that the relationship has not been well-utilized and that the MPO could fit in well with Provo Serves and the Administration's attitude toward and focus on service. He felt that Mayor Kaufusi could be a valuable mentor for these young women, who were talented and had a lot to offer. He hoped to see MPO continue and felt it was a small amount of budget funding compared to the benefit made to the City.
- Mr. Stewart echoed that his experience with MPO has been exactly as Mr. Sewell described. As a former mayor and personally, he saw a huge benefit to the program and felt the benefits outweighed the negative aspects.
- Mr. Harding noted that the float had more support than the MPO [referring to the Open City Hall comments and discussion]. He did not think the float was contingent on the future of the MPO.

Mr. Stewart expressed that he wanted to allow the Administration time and space outside of the meeting to express their views and discuss further. ***Mr. Stewart withdrew his motion. Discussion only. This item would be brought back to the June 5, 2018 Work Meeting.***

Closed Meeting

7. 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: David Harding moved to close the meeting. Seconded by David Knecht.

Roll call vote: Approved 7:0.

Adjournment

Adjourned by unanimous consent.