



PROVO MUNICIPAL COUNCIL

Work Meeting

1:00 PM, Tuesday, September 25, 2018

Room 310, City Conference Room

351 W Center St., Provo, UT 84601

The meeting began at 1:20 PM.

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

Roll Call

The following elected officials were present:

Council Chair Gary Winterton, conducting

Council Vice-chair David Harding

Councilor David Knecht

Councilor David Sewell

Councilor George Stewart

Councilor George Handley

Councilor Kay Van Buren, arrived 1:23 PM

Mayor Michelle Kaufusi

Excused: Cliff Strachan, Council Executive Director; Wayne Parker, CAO; Isaac Paxman, Deputy Mayor

Prayer

The prayer was offered by Councilor David Sewell.

Approval of Minutes

August 16, 2018 Joint Meeting with the Provo School Board

September 11, 2018 Work Meeting

Approved by unanimous consent.

Business

1. A presentation on recommendations regarding a budget committee (18-075) ([0:03:53](#))

Mayor Kaufusi introduced Norm Wright, Dean of UVU's Woodbury School of Business, who presented several recommendations for a budget committee. Mr. Wright introduced several colleagues who had collaborated on the recommendations: David Connelly, UVU Associate Vice President of Academic Programs; and Jim Mortensen, Director of Business Graduate Programs at the UVU Woodbury School of Business. Mr. Wright outlined the recommendations, which were prepared using public administration resources, such as the Government Finance Officers Association, National League of Cities, and the International City/County Management Association.

Councilors shared comments and feedback, and discussed various factors for a Council budget committee. Councilor George Stewart felt that ultimately, the Council was the committee because it was their responsibility to approve the budget. He felt that the Council's budget committee was not as useful as he had hoped, due to the limitations of a 3-member committee. Councilor David Harding noted that the policy and statutory responsibility is already in place; he felt it was typically in practice where the process was less clear.

He felt that the process last spring was very thorough in having departments present and report in advance; much of the review and work was completed in advance. Mr. Harding also noted that it could be advantageous to have a group to grant an advisory capacity regarding the budget and advising the Council.

Mr. Wright clarified that an advisory committee would report to the Administration, similar to the other City boards and commissions. Mr. Stewart had concerns about that format; unless the committee were appointed jointly, it would ultimately become a tool for the Administration, rather than the Council. Councilor George Handley noted that it seemed the discussion was touching on four separate groups: an audit committee, a committee under the Mayor and Administration, a Council-appointed committee, and a joint committee. Mr. Handley suggested the Council determine what was needed and wanted, then crafting a solution to meet those aspects. Councilors continued to discuss various aspects of the budgeting and budget review process.

Councilor David Sewell suggested that a committee could be very useful in moving toward priority-based budgeting. Mr. Wright acknowledged that the policy and/or financial analysts would be very involved with that process. Mr. Handley expressed that some preliminary training and orientation with the budget for new Councilors could be useful in the future. Mr. Wright addressed priority-based budgeting, explaining that while it requires more work to do a priority-based budget, the work was happening anyway—primarily it would just require more coordination to report results that are used as metrics. Mr. Wright noted that the Council has their statutory responsibilities related to the budget, but if a committee were simply duplicating efforts and were not helpful to the Council or Mayor, it would not make sense to have this redundancy. If the intent were to improve and implement a budgeting process, then a committee could be helpful.

Councilors shared additional comments regarding the composition of a budget committee and how it would interface with the Council's work. Some Councilors were inclined to see through the process utilized during the last budget review, as they found directors' presentations on their budgets to be informative and useful. Mayor Michelle Kaufusi indicated that the Administration planned to continue that process for the upcoming budget review; she felt it worked well and made a difference in how the process went. Councilor Kay Van Buren noted that while the Mayor and Council seemed fairly aligned on the current discussion of the budget process, that that may not always be the case; he felt that maintaining a degree of separation was helpful in keeping consistency and delineating the respective statutory responsibilities.

Mr. Wright explained that there is so much variety in practice across cities and how they implement priority-based budgeting; there were certainly opportunities for variability for Provo's process.

Motion: Gary Winterton moved to have the Council Policy Analysts prepare two or three options for how to form a budget committee and a plan for moving forward. Seconded by David Knecht.

Brian Jones, Council Attorney, provided additional guidance regarding the statutory responsibilities related to the budget; the Mayor has a statutory duty to prepare budget, while the Council has a statutory duty to review and approve the budget. Mr. Jones noted that past issues arose due to either the Mayor or Council trying to step into the role of the other. He suggested articulating with more clarity what the desired outcome was and what the role of the committee would be.

Councilors wished to further review the recommendations presented by Mr. Wright and to gain a better understanding of how those recommendations would work in practice. Following additional review of the recommendations by Councilors, the discussion would be resumed at a later time.

Mr. Winterton withdrew his motion.

Presentation only. This item was continued to a future Work Meeting discussion.

2. A discussion regarding the Salt Lake Chamber's Affordable Housing Resolution (18-070) ([1:02:20](#))

Councilor David Knecht shared feedback from the Council's Housing Committee regarding the resolution and the Salt Lake Chamber's request for the Council to adopt it. Councilors shared comments and feedback. Among the comments, Councilor George Stewart expressed concern about approving a resolution without knowing the implications or how it would be used. Mr. Knecht explained that the resolution was aimed at cities doing little to nothing, whereas Provo could support it and indeed already was due to the extensive efforts of the City with housing issues. Councilor George Handley added that the resolution essentially requires a yes or no response from cities; it puts pressure on cities that have tried to coast along and are not pulling their weight. He felt that the risks of not signing the resolution were high.

The Housing Committee had proposed to strike "including exercising restraint in impact and permit fee increases" and to strike "including zoning, impact and other fees, and other potential impacts" from the resolution text. The Committee felt these elements should be considered in those important discussions, but felt it advisable that the City not commit to those measures—those elements were worth a discussion but not necessarily a commitment in the resolution itself. Council Attorney Brian Jones noted several grammatical adjustments to the text of the resolution.

Motion: George Handley moved to forward the resolution to the October 9, 2018 Council Meeting for approval as amended. Seconded by David Sewell.

Roll call vote: Approved 7:0.

3. A discussion regarding public comments received from the Draft Environmental Assessment and an update on the Final Environmental Assessment preparation for the proposed Land and Water Conversion Fund property conversion (17-036) ([0:51:00](#))

Ron Clegg, Clegg Consult, presented. Mr. Clegg has been the Parks and Recreation Department's consultant on the environmental assessment. Mr. Clegg addressed the comments received in various formats from approximately 25 individuals. Given the volume of comments received and the substantive changes in the process of revising the assessment to adequately address the comments, Mr. Clegg explained that the revised assessment would be put out for another 30-day comment period on the following Monday. Mr. Clegg and Parks and Recreation staff also provided an update on the interlocal agreement draft.

Regarding the forthcoming round of public comment, Thomas McKenna, Parks Project Manager, explained that the public comment period would be noticed in the newspaper and City website, distributed by email to the Council and neighborhood chairs, and that a print copy would also be available in Customer Service as in the previous comment period. Scott Henderson, Parks and Recreation Director, thanked all who were part of the process thus far. *Presentation only.*

4. A discussion on temporary Justice Court judges (18-089) ([1:10:49](#))

John Borget, Administrative Services Director, presented. Councilor David Harding asked whether appointing such a broad list of judges as possible temporary Justice Court judges put Provo citizens at risk to go before a judge whose background may not be at the level of Judge Rick Romney. Mr. Borget explained that the occasions in which a temporary judge would be present would be rare. Originally the Justice Court had proposed adopting a blanket list of all possible judges, as permitted by statute; ultimately, Judge Romney and ReAnnun Newton, Justice Court Administrator, reviewed the list and have prepared these recommendations with the selected judges listed. Mr. Borget explained that Judge Romney was in court and that Ms. Newton was out of the office, but that additional questions could be addressed to them if desired.

Motion: George Stewart moved to place this item on the October 9, 2018 Council Meeting Consent Agenda. Seconded by David Knecht.

Roll call vote: Approved 7:0.

5. A discussion on the appointment of a Justice Court Constable (18-091) ([1:15:46](#))

John Borget, Administrative Services Director, shared a memo from the Justice Court staff outlining Judge Rick Romney and Reannun Newton's hearty recommendation of Bob Conner to be reappointed as Constable.

The Constable Nominating Commission (comprised of Gary Winterton, Council Chair; Robert West, City Attorney; Rich Ferguson, Chief of Police; Rick Romney, Justice Court Judge; and David Olpin, Provo resident) were unanimous in recommending the retroactive appointment of Mr. Conner, effective July 1, 2017. Mr. Conner was present to answer any questions from the Council.

Motion: George Stewart moved to place this item on the October 9, 2018 Consent Agenda. Seconded by George Handley.

Roll call vote: Approved 7:0.

Policy Items Referred from the Planning Commission

6. A discussion on a request for a Zone Change from Public Facilities (PF) to Agriculture 1 (A1.1) for 5.89 acres located at 1437 E 2300 N. Rock Canyon neighborhood. (PLRZ20180239) ([1:32:27](#))

Aaron Ardmore, Planner, presented. Mr. Ardmore highlighted the property, which is currently vacant with a ranger station and some storage area. The applicant has proposed subdividing the property into three lots for single-family homes. The lots would be just under two acres each and would not be able to be further subdivided. Mr. Ardmore noted that there was not a large amount of buildable area within each of the lots due to the topography, geologic hazards, and presence of a fault line (unbuildable areas marked with dense hatching on the map). Mr. Ardmore addressed a question regarding the General Plan designation (which recommends residential), noting that the agricultural zoning would prevent each of the three lots from further subdivision (which may have been possible under the R1.10 zone designation). Mr. Ardmore also noted the zoning regulations and requirements which would apply to the property, including size restrictions, yard setbacks, open space, and a 35-foot height restriction. These standards coupled with the geologic and topographical limitations would together regulate the ultimate size of any structure built.

Councilors shared comments and feedback on the proposal, including the following:

- Councilor George Handley noted that the visual appearance of the street would still be more or less uniform. He felt as long as the scale were similar, it would be a suitable request.
- Councilor David Harding felt that residential zones had certain protections for residential uses and against uses potentially in conflict with a residential area. He wondered whether the RA (Residential Agricultural) zone would help bridge the gaps and to make the change more suitable for the area.
- Councilor George Stewart asked whether Community Development had any concerns and whether there were any road issues. Mr. Ardmore expressed that they echoed Councilor David Harding's comment about choosing the appropriate zone. Mr. Ardmore and planning staff felt that this change was congruent with the intent for the neighborhood. There were no road issues for the properties.
- Councilor David Knecht asked if a development agreement had been discussed. Mr. Ardmore said the applicant has agreed to apply restrictive covenants to the lots in order to remove agricultural uses that could be a nuisance to the residential area. Bill Peperone, Community Development Assistant Director, indicated that a restrictive covenant should be coupled with a development agreement to ensure that the City has the possibility of renegotiating the terms at a future time, if needed. Mr.

Ardmore indicated that before the plat would be recorded, he could work with the applicant to obtain a copy of the restrictive covenants and use these in drafting a development agreement.

Motion: George Stewart moved to prepare an ordinance authorizing the negotiation and execution of the development agreement, with the effective date of the rezone to be the date of execution of the development agreement. Seconded by Kay Van Buren.

Council Attorney Brian Jones would prepare the amended ordinance for the Council Meeting that evening.

Roll call vote: Approved 7:0.

Business

7. A presentation on Ranked Choice Voting by FairVote (18-088) ([1:43:39](#))

Councilor David Harding introduced the discussion on ranked choice voting (RCV), which was presented by former Councilor Stan Lockhart. Mr. Lockhart outlined the bill adopted by the Legislature which allowed cities the option to enact RCV in 2019 municipal elections. Mr. Lockhart outlined various benefits of RCV and the similarity to the partisan caucus process. Mr. Lockhart felt that RCV encouraged active engagement in the political process, which he felt was the intent for the design of representative government. Mr. Lockhart also addressed the implications for candidates and how campaigns are run. Overall, the main challenge is educating the public, as it can be a confusing transition for voters used to the traditional election process.

Councilors shared comments and feedback throughout the presentation. Councilor George Handley shared one concern that RCV seemed to invite more candidates—it seemed there could be danger of validating the campaign of someone with a particularly extreme position. He recognized that this was part of being in a democracy, but such an extreme position may be given more air time, so to speak, in a RCV election. Other Councilors discussed how RCV could impact the campaign timelines and logistics for candidates, as well as the economic impact to cities (as RCV removes the need for a primary election).

Mr. Lockhart explained that Provo would need to give indication of a decision on RCV by January 1, 2019. He has been encouraging cities throughout Utah to try the system. The Legislature has wanted to see how RCV plays out in individual cities before pursuing anything seriously at a State-wide level.

Mr. Harding demonstrated how results are collected and tabulated in a RCV election. Mr. Handley felt that an election where party affiliations are strongly different was very different in nature than choosing a dessert preference (as participants did in the demonstration). Mr. Harding explained that he felt RCV better reflected the will of the electorate as a whole. Councilors continued to discuss various pros and cons of the system, particularly the shift of minority candidates to the full campaign duration, rather than being eliminated during the primary election. Mr. Lockhart outlined several additional considerations related to this.

Mr. Harding asked the Council whether they had any other questions or details for the committee or analysts to examine and report. He hoped the Council could reach a decision by the end of the year. Several Councilors expressed that they were generally in favor, but some needed more time to think about the issue. Mr. Handley shared a lingering concern about the quantity of candidates and the impediments to holding meaningful dialogue and debate with so many candidates. He could see that RCV gives a stronger sense in the end that a majority candidate has been selected, but it seemed somewhat unwieldy to manage. Councilor David Sewell expressed his favor of RCV. He felt that the biggest problem in politics was the corrosive, uncivil atmosphere; RCV was not a magic bullet, but had the potential to move the needle in the right direction toward a more civil discourse in politics. Mr. Harding noted that the City has successfully

transitioned to vote-by-mail with the aid of education efforts; he felt RCV was a good companion to vote-by-mail, as it provides an inherent opportunity and time for voters to do research.

Amanda Ercanbrack, City Recorder, recently attended a presentation on rank-choice voting in Goshen. She noted that many city recorders have concerns about getting the results. There could be difficulties with updating the election maps, a timely canvass, and timeliness of tabulating results. She felt those issues could be overcome, but should be part of the overall conversation and considerations. ***Presentation only.***

Closed Meeting

8. 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. ***None requested.***

Brian Jones, Council Attorney, outlined the proceedings for the evening Council Meeting with regard to the statutory process for public hearings related to several different aspects of the general obligation bond. Councilors shared comments and Mr. Jones responded to various questions. ***Discussion only.***

Adjournment

Adjourned by unanimous consent.