



PROVO MUNICIPAL COUNCIL

Work Meeting Minutes

12:30 PM, Tuesday, December 18, 2018

Room 310, Provo City Conference Room

351 W. 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

Councilor David Sewell

Councilor Kay Van Buren, arrived 12:54 PM

Councilor David Knecht

Councilor George Handley

Councilor George Stewart, arrived 12:38 PM

Mayor Michelle Kaufusi

Prayer

The prayer was offered by Councilor George Handley.

Business

**1. A discussion on a statement of intent regarding the voting policy in Provo City.
(18-088) ([0:03:36](#))**

Councilor David Harding presented and gave an update on ranked choice voting and the status of the City's consideration of the change to voting system.

Mr. Harding explained the background on ranked choice voting and the process to date. Mr. Harding introduced a draft statement of the intent which was before the Council for consideration. The intent statement outlined the Council's feeling that 2019 did not allow sufficient time to engage with voters in the city to gauge feedback and acceptance of the issue. The statement of intent suggested that the Council further explore the matter and engage in a dialogue with voters in advance of the 2021 election, to determine at a later date whether it would be an appropriate choice for the City.

Councilors shared comments and their thoughts on the matter. Several Councilors felt that it would be a missed opportunity not to fully explore the conversation regarding the 2019 municipal election.

Councilor David Sewell shared excerpts from several journalistic publications regarding Ranked Choice Voting, including the Wall Street Journal and the Daily Herald. Mr. Sewell felt that ranked choice voting presented some significant opportunities to run elections that were more fair and representative. The examples Mr. Sewell shared highlighted the extreme partisanship and sharp divides of politics in the last several years. Mr. Sewell felt that ranked choice voting promoted more civility in races with more than two candidates; he hoped to see Provo's political leaders support and embrace positive change.

Mr. Winterton felt that the community and city was currently in a position of lacking the trust necessary to make the change and system successful. Councilor George Handley felt that waiting for two more years would further distrust. Mr. Winterton invited comments from Mayor Michelle Kaufusi.

Mayor Kaufusi felt that the reflection of the last election is a tell-tale sign; over half of the votes received during the most recent vote-by-mail election were delivered by hand. It seemed to her that a large proportion of the voting population did not fully understand the system. Mayor Kaufusi expressed that when she ran for mayor, there were 11 candidates who filed to run. Every debate before the primary election required 11 candidates to speak and it created a lot of additional impacts on the process. She also noted the impacts to the personal lives of candidates, who would have to run an election for the better part of a year, rather than an abbreviated period depending on results of a primary election. Mayor Kaufusi felt there was such a steep learning curve for the electorate, and perhaps it could work for a primary, but she could not imagine utilizing ranked choice voting for a municipal general election.

Mr. Harding shared his feedback on his proposal for the steps forward. Mr. Handley also expressed that he felt it was important to have the conversation now.

Councilor David Knecht said he had heard from many politically well-connected constituents who were unaware and unfamiliar with the discussion; it seemed to indicate to him that the public had not been sufficiently involved in the discussion and process.

Councilor George Stewart shared his feedback; he shared similar sentiments to Mayor Kaufusi regarding his experiences in previous mayoral races. Without an incumbent candidate, it was much more likely to have many candidates in a particular race. He felt that running an election was a civic procedure and that the decision should not be based on the cost savings alone.

Motion: David Sewell moved to pass the intent statement to consider ranked choice voting for 2021. Seconded by David Harding.

Vote: Approved 4:3, with Kay Van Buren, George Stewart, and David Knecht opposed.

2. A presentation and discussion on recent updates to Stormwater requirements from the State Division of Water Quality. (18-102) (0:43:45)

Dr. Erica Gaddis, Director of the Utah Division of Water Quality, thanked the Council for inviting her and her colleague, Jeanne Riley, Storm Water Permitting Section Manager, to present and discuss recent updates to stormwater requirements for the State of Utah.

Dr. Gaddis highlighted issues with nutrient discharge to Utah Lake, noting that water infrastructure was a full cycle and the issues were very interrelated. Dr. Gaddis outlined several considerations for Utah Lake Water Quality, which had been determined in a recent study. Dr. Gaddis further outlined the considerations of the impacts of stormwater to nutrient discharge and water quality before and after the development process. Historically, stormwater has been discharged without treatment. As the Wasatch Front continues to experience significant growth, the DWQ has determined that it would be much more cost-effective to address stormwater issues during building and growth periods, than retrofitting existing communities and infrastructure. Dr. Gaddis highlighted a watershed map of Utah County, with a 2010 snapshot of developed, agricultural, and projected land use; it was anticipated that over the next 30 years, a much higher proportion of land would have impervious cover through development. Dr. Gaddis briefly highlighted the new permit requirements, which were partially a result of developer feedback, as developers benefit from having consistency throughout the state.

Jeanne Riley, Storm Water Permitting Section Manager, outlined further elements of the storm water permit regulations. Older conventional strategies of stormwater systems was to collect and quickly discharge water. Stormwater has not been historically managed for pollutants, but often contains contaminants such as oil, grease, and sediment from roadways; nutrient fertilizers and pesticides; pet waste, trash, and debris. The DWQ has updated the MS4 permit requirements with the intent to better manage the impacts to water quality at the beginning stages of the cycle. The new philosophy of stormwater systems is to retain stormwater at its source and reintegrate rainfall into the water cycle rather than discharging it to another location or water source. The DWQ has asked cities to manage a portion of their stormwater discharge onsite through methods termed low-impact development and green infrastructure practices. Ms. Riley discussed these methods, including runoff detention close to its source, harvesting or using water at the source where it is generated, and minimizing impervious cover.

Ms. Riley outlined details of the MS4 permit, one of which was retention of 90th percentile storm events. The purpose in calculating a percentile depth was to allow for variation across the state, where different cities or locations experience different meteorological conditions and may have different geographic and geologic factors at play.

Councilors shared comments on the permit program. Mr. Winterton felt that the requirements were coming from the State based on issues across the State, but he felt that Provo City's engineers knew best how to address the needs of Provo City.

Ms. Riley explained how a permit was implemented. Storm water managers go through the permitting process and have the flexibility to determine how it would be implemented in Provo; the permit was flexible enough to allow for management of their system based on what the City has outlined in its stormwater management plan. Dr. Gaddis explained that the DWQ has worked with builders, cities, and with consideration of the DWQ's goals for improving water quality to come up with a compromise with enough flexibility to account for site conditions in Provo, but that also helps builders to not face wildly different standards even in different cities in Utah County. Dr. Gaddis explained that everyone wants certainty and flexibility, but it is not possible to have both. The implementation date was moved back, as the DWQ is open to exploring simple changes to the permit language to strike a better balance.

Councilor George Handley shared details of his communication with Alan Matheson, Department of Environmental Quality Director; Mr. Handley was satisfied that there was flexibility built-in to the permit system. The understanding he had was that the DWQ was still trying to convene with stakeholders to get feedback and explore additional adjustments. Mr. Handley felt that the permit and DWQ were headed in the right direction and he felt that the enhanced ecological understanding which has guided this philosophy certainly made sense to him.

Brian Torgersen, Public Services Division Director, shared Public Works' thoughts about the permits; while they were appreciative of the exemptions, they felt that the degree of documentation and ongoing upkeep of maintenance agreements with individual private property owners presented an administrative burden on the department, as they attempted to manage the documentation associated with the exemptions.

Dr. Gaddis outlined the approach that Spanish Fork has taken with the permit program and exemptions. She understood Provo City's reservations with the approach taken by Spanish Fork, but she felt that at some point they would need to agree on some language and get to work, then see where the problems are, and trust that Provo City and the DWQ can encounter these problems as partners and work through them. Dr. Gaddis noted that Provo City has been involved as a stakeholder in the process; there would always be concerns, but the DWQ felt it important to understand what the particular issues were in order to address them with clarity or by seeing the methodology in practice. Ms. Riley explained that Provo City was free

to choose the best practices which would work for Provo. The DWQ sought to provide guidance for cities as well as the opportunity to create the stormwater management strategy that Provo will want. Dr. Gaddis reiterated that this permit process was a step toward looking at the State's water management system more holistically, as it would be an important step in recharging the aquifers. Dr. Gaddis noted, too, that the DWQ had 195 permittees throughout the state which would be managed by one staff member. They will primarily be looking to see that Provo has established a process and has set up management practices that prioritize infiltration and retention as much as possible on site. The DWQ will implement an audit process, but they have sought feedback and cooperation from cities in establishing that part of the process.

Mr. Winterton thanked Dr. Gaddis and Ms. Riley for their work in finding ways to balance those demands and interests. **Presentation only.**

3. A discussion on an appropriation for the Urban Deer Program. (18-061) (1:47:09)

Dustin Grabau, Budget Officer, provided background information on the urban deer program, both the lethal and trapping portions of the program. Initially, \$35,000 had been appropriated for the program in fiscal year 2016 (FY 2016). All funds for the program had been expended by the end of FY 2018. The proposal was to appropriate \$20,000 in FY 2019, understanding the challenges of the program.

Mr. Grabau highlighted similar programs in neighboring municipalities, many of which had lethal programs only. Many of the challenges of the program relate to the trapping of the deer; trapping was much more labor-intensive and involved coordination between baiting and transferring traps, placing strategically, disease testing (as trapped deer could transmit diseases to other parts of the deer population), and timing and communication issues. Trapping is highly traumatic to the deer, and the animals often sustain injuries and severe stress during capture and transport. The Division of Natural Resources (DNR) estimates that only half of the deer survive after being released to the east of the Wasatch range. One of the animal control officers also experienced a serious injury during a deer-trapping. Part of the impetus behind the trapping program was to alleviate the criticism that the lethal program was inhumane, but the trapping component was an issue not without controversy. The DNR had explored discontinuing the trapping program entirely in the next several years.

Councilors discussed the two components of the program and its impacts. Mr. Grabau explained that without a comprehensive analysis, it would be difficult to measure the impact the program was having. Mr. Grabau highlighted several other factors in the program: reduction in suburban nuisance, public safety and traffic incidents, and the concerns about the proximity of lethal contractors to urban areas. The general consensus was that the public nuisance was being addressed, but it was still difficult to determine the full extent to which the program was or was not effective.

Motion: George Stewart moved to appropriate \$11,000 for the lethal program, conditional on it not affecting the ability to do a lethal-only program in the future. No second was made. *The motion was not formally withdrawn, but due to subsequent discussion, no vote was taken.*

Staff clarified that this item would require a public hearing and future action at a Council Meeting. Wayne Parker, CAO, suggested that the public notice be published with the maximum request for the appropriation, with the intent that the Council could always choose to appropriate less after further discussion at the upcoming meetings. Councilors discussed further the costs and risks of halting the program. Mr. Grabau and Mr. Parker explained inherent challenges with assessing the program's effectiveness. Mr. Grabau explained that the total number of accidents was down by about 100 from the previous year, but it was difficult to know whether that was on account of the program's effectiveness versus a relatively warm fall and winter.

Officer Jayson Swenson, Animal Control Supervisor, highlighted statistics of deer-related accidents, deer trapped and relocated, and deer euthanized as part of the lethal program. Officer Swenson elaborated on the burden and impacts to the Animal Control division; their division works daily and during trapping season, it takes at least two hours per day to set and bait a trap and results in a great deal of overtime. In response to a question from Councilor David Knecht, Officer Swenson said that he thought the trapping program worked, but with only about a 33% survival rate, that was a significant amount of time and labor put into deer that often did not survive. He felt that the public did not often understand the results of the trapping portion of the program. A Councilor asked whether it were an option to euthanize deer in the traps and whether that question had ever been addressed to the DNR. Officer Swenson and the Administration indicated that they could explore that discussion further with the DNR.

Motion: George Stewart moved to place this item on the January 8, 2019 Work and Council Meetings. Seconded by George Handley.

Vote: Approved 7:0.

4. A discussion on a Provo River Corridor Plan. (18-101) (1:23:01)

Jamin Rowan, Planning Commission member and BYU Professor, explained that every fall semester, his class assists with a planning project at the City. His current class drafted the Provo River Corridor Plan.

Dino Lauricella, BYU student, presented. Mr. Lauricella highlighted elements of the plan, which hoped to refocus emphasis on this community amenity. The Provo River Corridor Plan focused on the long-term development over the next 50 years, covering areas of the river within City limits, from the mouth of Provo Canyon to the beginning of the Provo River Delta. Mr. Lauricella reiterated the groups involved with the plan's creation, including BYU students and faculty, City staff, and the steering committee (comprised of neighborhood chairs and residents of the neighborhoods along the Provo River).

Mr. Lauricella outlined considerations and elements of the plan:

- Guidelines reorienting development to face the river
- Incorporating lighting, appropriate foliage, orientation, and riverbanks through restorative projects and improvements to the river's natural ecosystems
- Riverwalk section one, proposed for State Street to 2230 North, which would connect residential and commercial nodes for residents to walk and shop
- Pathways designed to face the river and better integrate with the trails currently in development
- Bowl retention flood park
- Riverwalk section two, near Columbia Lane
- Study of recreational whitewater rafting potential
- Provo River Delta restoration site

Councilors shared comments on the plan and the future of the Provo River and the priceless amenity it is for the City. Councilor George Handley thanked Mr. Rowan and his group of students. Mr. Handley felt that their work was an incredible service to the community; he hoped the plan could be implemented rather than remain in the idea phase. Mr. Handley observed that the Provo River is not just ecologically damaged, but a neglected afterthought.

Bill Peperone, Community Development Assistant Director, explained that the creation of this plan was intended to identify problem areas and the proposed solutions for what the City hoped to achieve. In several cities in Colorado, local municipalities had secured federal grants for flood water mitigation, which have been used for improvements to the rivers, including pedestrian and bicycle paths. Mr. Peperone suggested that putting this plan in place was the first step toward those ends for Provo.

Mr. Rowan noted that the recreation potential of the river also suggested opportunities for recreation-oriented businesses to flourish; the opportunities included those for synergy between sectors. Jake Harding, student, outlined the two main sections that were most ready for redevelopment. Residents in the area of the proposed Riverwalk (section one) received positive feedback from residents. Another area of the river, with a high concentration of city parks, presented ideal opportunities for redevelopment. Jake Harding noted the possibility of a park to help mitigate a sharp 90-degree bend in the river near Macey's grocery store; a proposal to contour the sharp turn to a more gradual bend in connection with park development provided opportunities to help mitigate flooding situations.

Brian Torgersen, Public Services Division Director, shared some feedback and comments regarding flood control on the Provo River. He noted that much of the Provo River flood control occurs in conjunction with Deer Creek and Jordanelle Reservoirs, as much great capacity is needed. He felt that opening up the river would aid more than detention in a park, but he was very supportive of improving the riverbanks and rerouting areas such as the 90-degree bend referenced; he felt those were needed and valid amenities. Rob Hunter, Engineer, shared insight from his work in the San Antonio area, which is home to a highly successful and beloved riverwalk. Mr. Rowan noted that other parts of the plan addressed additional flood control and mitigation measures and restoration.

Mr. Lauricella was joined by his classmates Jake Harding, Amanda Hall, Brooke Harding, and Curt Fitz. Mr. Winterton thanked Mr. Rowan and his students for their work on this plan, which he felt was an important discussion and opportunity for Provo City. ***Presentation only.***

5. A discussion on affordable housing policies in Provo City. (18-070) ([2:17:55](#))

Cliff Strachan, Council Executive Director, suggested that the Council may wish to continue the item to a future meeting or to delay the Policy Governance Committee.

Motion: David Harding moved to continue this item. Seconded by David Knecht.

Vote: Approved 7:0.

Adjournment

Adjourned by unanimous consent.