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PROVO MUNICIPAL COUNCIL
Redevelopment Agency of Provo
Regular Meeting Minutes
5:30 PM, Tuesday, March 19, 2019
Room 200, Municipal Council Chambers
351 W. Center Street, Provo, UT 84601

Roll Call

THE FOLLOWING MEMBERS OF THE COUNCIL AND ADMINISTRATION WERE PRESENT:

Council Member George Handley	Council Member David Harding
Council Member Dave Knecht	Council Member David Sewell
Council Member George Stewart	Council Member Vernon K. Van Buren
Council Member Gary Winterton (5:41 p.m.)	Council Executive Director Cliff Strachan
Council Attorney Brian Jones	Mayor Michelle Kaufusi (5:45 p.m.)

Conducting: Council Chair David Harding

Excused: CAO Wayne Parker

Prayer

Aaron Jaussi

Pledge of Allegiance

Dave Rosen

Public Comment ([0:14:20](#))

Brian Jones, Council Attorney, described the process for public comment. Chair Harding opened public comment. There was no response.

Action Agenda

1. Ordinance 2019-11 to amend Downtown Streetscape standards to clarify right-of-way improvements for 100 West. City-wide Impact. ([PLOTA20190007](#)) ([0:15:55](#))

Motion: An implied motion to adopt Ordinance 2019-11 as currently constituted, has been made by council rule.

Javin Weaver, Planner, presented. This amendment would provide clarification to the Downtown Master Plan, specifically the pedestrian corridor on 100 West. Mr. Weaver showed design plans for 100 West from 100 South to 600 South. The plans included one lane for traffic in each direction, two bike lanes, planters, sidewalks, and 45 degree back-in parking. Like Center Street there would also be midblock crosswalks. The street name would be embedded into the sidewalks. Street lighting would be similar to the lighting on State Street and 300 South. Pedestrian activity nodes would be created to encourage pedestrian activity. The blue color on the City's flag would be used for seating, trash receptacles, bike

racks, drinking fountains, etc. There were no concerns from the public that had been brought to the attention of Community Development Staff.

Mr. Winterton asked Mr. Weaver to explain why angled parking was selected as opposed to parallel parking. Mr. Weaver said angled parking was safer to use in conjunction with the bike lanes. It was also safer for pedestrians and loading children in and out of the vehicle. Because this would be back-in parking, the front of the car would be pointed into the street making it easier to see bicyclists and pedestrians. Mr. Harding was aware of this type of parking being used in other cities. He admitted it was different but using it on this corridor would allow the City to try it in a less busy area before rolling it out to other areas of the City.

Chair Harding opened public comment.

Becky Bogdin, Provo Resident, was supportive of a pedestrian walkway to the hub but said there should always be traffic lanes, especially between 500 South and 600 South. She said 100 West was a great way to get to 500 South. She also had concerns about the angled parking due to the number of people in the area for the food truck roundup.

There were no other comments from the public.

Chair Harding called for a vote on the implied motion.

Roll Call Vote: Ordinance 2019-11 was approved 7:0 with Council Members Handley, Harding, Knecht, Sewell, Stewart, Van Buren, and Winterton in favor.

2. Resolution 2019-15 appropriating \$162,200 from wildfire response revenues in the Fire Department General Fund for expenses related to equipment and facility improvements applying to the fiscal year ending June 30, 2019. (19-034) (0:26:46)

Motion: An implied motion to adopt Resolution 2019-15 as currently constituted, has been made by council rule.

Provo City Fire Chief James Miguel presented the item to Council. He began with a report on the fire season. Provo Fire and Rescue was deployed 31 times to 21 major fires in five different states. The season completed with the fires in southern Utah County in the Woodland Hills and Elk Ridge areas. When the City responds to State and Federal fires they are reimbursed for time, equipment, and other expenses. Often, the City receives back more money than is actually spent.

Total Reimbursement	\$561,000
<u>Total Expenditures</u>	\$366,000
Remainder	\$192,000

Chief Miguel asked Council for an allocation of some of these funds for critical needs in the department. There were numerous studies about the cancer rates amongst firefighters; the cancer occurrence rate was 2-4 times that of the general population. Because of this he requested the following to aid in carcinogen exposure reduction:

Protective Clothing Extractors	\$22,000
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Protective Hoods	\$19,200
Protective Clothing Storage	\$23,000

In addition to the carcinogen exposure reduction needs, the Fire Department had other needs:

Station 4 Kitchen and Dorm Repairs	\$45,000
Breathing Apparatus Flow Tester	\$12,000
Water Rescue Dry Suits, Floatation	\$21,000
Fire Engine Hose (Station 2)	\$20,000

The total request was for \$162,200.

Councilor Winterton has spoken to a church leader in Elk Ridge who was very appreciative of the help received. He thanked Chief Miguel and his department for their efforts. Mr. Winterton also wanted to make sure all expenditures had been covered. Chief Miguel was certain all expenditures were covered. He said it was hard work and fire seasons were getting longer. He hoped to use the revenue to benefit the people who are providing this service. The department was grateful to have the ability to help other communities and recognized that if Provo ever faced a wildfire, the city would receive the same help and support from others.

Mr. Harding understood the immediate expenditures were being reimbursed but he wondered about the long-term wear and tear on the equipment being used and how this was being funded. Chief Miguel said in fiscal year 2019 they asked for \$107,000 to meet capital equipment needs, not all of which was related to wild land firefighting. When the budget was approved it included \$40,000; later, an additional \$45,000 from the reimbursement was added to the fund for a total fund balance of \$85,000.

Mr. Knecht recognized the sacrifice being made when helping in other communities. It often meant lack of sleep and missing out on family time. He was glad to know the department was getting something back to help make their lives safer. He thanked the Chief and his department for their sacrifice. Chair Harding echoed the appreciation.

Public comment was opened and there was no response.

Chair Harding called for a vote on the implied motion.

Roll Call Vote: Resolution 2019-15 was approved 7:0 with Council Members Handley, Harding, Knecht, Sewell, Stewart, Van Buren, and Winterton in favor.

3. Ordinance 2019-12 amending the official Neighborhood Map. North Timpview and Riverbottoms Neighborhoods. (19-039) (0:43:12)

Motion: An implied motion to adopt Ordinance 2019-12 as currently constituted, has been made by council rule.

Karen Tapahe, Community Relations Coordinator, presented. She explained that Mike Roan proposed this change to the Neighborhood Advisory Board. A map was displayed that showed the Riverbottoms and North Timpview Neighborhoods. There was an area on the east side of Canyon Road near the mouth of Provo Canyon that had previously been considered part of the Riverbottoms Neighborhood,

this proposal would move it to the North Timpview Neighborhood. Both neighborhood chairs, Dave Rosen and Bonnie Marrow were available to answer further questions.

Chair Harding opened public comment.

Dave Rosen, Riverbottoms Neighborhood Chair, explained why this change was being proposed. He said there were issues with a gravel pit last summer that concerned the neighbors in the North Timpview Neighborhood, but the land was included in the Riverbottoms Neighborhood. There were also inquiries about development of property in this area and incorporation of land that is not currently part of the City. These decisions would affect North Timpview more than Riverbottoms.

Mr. Winterton asked how the Neighborhood Chairs would work with the County to get notices to the owners who had land that was not incorporated into the City. Mr. Rosen said that had always been and would continue to be an issue for as long as the land was not part of the City. It would make no difference which neighborhood the land was in. He thought there would be future proposals for the land to be incorporated into the City.

Bonnie Marrow, North Timpview Neighborhood Chair, also responded to Mr. Winterton's question. At times she had been providing notice to the owners in the unincorporated areas by driving to their homes and speaking with them. Ms. Marrow had just received word of a development proposal for 187 acres to be incorporated into the City and developed into high density residential. Most of the neighborhoods in the unincorporated areas already assumed they were part of North Timpview.

Mr. Knecht asked what concerns Ms. Marrow had about the way this land might be developed in the future. She was most concerned about the threat of a fire. Many of the development proposals she had seen only include one road for egress, this was concerning to her. She also worried about an increase of traffic on Canyon Road and how this would impact the schools and bike lanes in the area.

There were no other comments from the public.

Mr. Harding asked Ms. Tapahe if the boundaries included any unincorporated land. She said the unincorporated areas were not included in the boundaries, but they anticipated this happening in the future. Passing this ordinance would make it easier to add it to the existing North Timpview Neighborhood.

Mr. Harding recognized the high quality of services received by Provo residents, including the neighborhood program. The taxes in Provo were higher than those in the County, but it came with the benefit of better services. When the time came to annex the unincorporated areas into the City he would welcome this with open arms, but until then, it was not the responsibility of the neighborhood chairs to provide them with notices. He thanked Ms. Marrow for her willingness to do so anyway.

Chair Harding called for a vote on the implied motion.

Vote: The motion to pass Ordinance 2019-12 was approved 7:0 with Council Members Handley, Harding, Knecht, Sewell, Stewart, Van Buren and Winterton in favor.

4. An ordinance amendment Provo City Code regarding the sale of dogs, cats, and rabbits at commercial animal establishments. (19-030) ([0:56:06](#))

Clifford Strachan, Executive Council Director, presented. This ordinance would make it unlawful for a person to sale a dog, cat, or rabbit in any commercial establishment in Provo, unless it came from a shelter or rescue. It would require a certificate of source for each animal. An exception would be made for breeders for animals sold from the premises on which they were bred. A violation would constitute a class c misdemeanor.

Mr. Strachan explained some of the reasons why Council might consider passing this ordinance. Certain types of breeders, sometimes referred to as puppy mills, had a reputation for the poor treatment of animals, making them more prone to disease. Some of these diseases were fast moving and hard to contain. Another reason to consider this ordinance was to promote the adoption of animals dropped off at rescues and shelters.

There was one pet store in Provo, Jay's Jungle, that occasionally sold rabbits, they were not concerned by the ordinance. Goo Goo Dogs, a local grooming business, was supportive of the ordinance. IFA sold chicks and rabbits, they sold 128 rabbits last year for a total of \$3800, plus the sale of supplies. The manager said 4H participants often use these rabbits for starter pets. He was opposed to the rabbits aspect of this ordinance. South Utah Valley Animal Shelter was the local shelter for cities located from Provo to Santaquin. Provo City Animal Control had instructed them not to accept any stray rabbits from Provo, as the City did not want to pay for their care.

Mr. Strachan spoke briefly about breeders and said they were not licensed by Provo City. There were limits to the number of dogs or cats a person could have, but there were exceptions for licensed kennels, etc. The US Department of Agriculture (USDA) was responsible for overseeing the breeding industry; breeders with five or more breeding females had to be licensed with the USDA. Utah did not have additional laws regulating breeding.

Various Utah cities handled this issue differently, Mr. Strachan provided several examples. Sandy City regulates dog breeding under a dog hobby permit program. Midvale City requires a kennel license that grants responsible breeders a five-year license. Salt Lake City also had a licensing program for breeding. This ordinance would not create a licensing program, but it would create an exception for breeders.

To address a question asked prior to the meeting, the definition of commercial animal establishment had been added to the draft ordinance. It was intended to cover commercial entities, not home breeders. It would not address the issue of litters being sold to pet stores.

Chair Harding opened public comment.

Beth Alligood, Provo Resident, spoke to the Council. There was a dog breeder in her neighborhood who was concerned with this ordinance. Ms. Alligood asked how this ordinance would prevent the spread of disease. Some people had preferences for specific types of animals and would prefer to go to a breeder over a shelter or rescue. She added that commercial entities buying the animals could choose not to buy from bad breeders and this would self-regulate. Ms. Alligood recognized this was also intended to prevent the mistreatment of animals but said there were already laws in place to prevent the mistreatment of animals. Mr. Harding explained they had been contemplating what it meant to be a breeder. He asked how many dogs the breeder in Ms. Alligood's neighborhood had. There was one

breeding animal that would have a litter of four or five dogs that would be raised for several months before being sold privately from her home. It concerned this breeder that in the event she was ever unable to sell all of the puppies, this would prevent her from selling them to a commercial establishment.

Aaron Juassi, Payson Resident, was the branch manager of the Provo IFA store. Mr. Juassi began by stating his appreciation of Provo Fire for the help in fighting the fires in south Utah County last fall. Mr. Juassi said the Provo IFA was over 95 years old and had opened as one of the first agricultural cooperatives in the state. As an agricultural cooperative they were concerned about losing the ability to sell rabbits. Half of their sales were to members of their co-op and all of their profits go back to the members. They take pride in maintaining a rural feel and supporting local agriculture. They sold 128 rabbits last year for approximately \$3,800. They were opposed to the draft ordinance, particularly the rabbit aspect. Being able to sell rabbits was important to IFA in maintaining their identity as an agricultural cooperative.

Motion: Councilor Stewart moved to remove rabbits from the title and ordinance. The motion was seconded by Councilor Knecht.

Mr. Sewell did not believe there were enough benefits to justify additional regulation and interference with the free market system. Mr. Winterton agreed and was also concerned about the cost of enforcement. Mr. Jones said he anticipated this would be enforced on a complaint basis only. Mr. Stewart and Mr. Harding did not see enforcement as a large issue.

Mr. Van Buren supported eliminating rabbits but had a problem with the ordinance itself. He did not think reduction of animal overpopulation was a Council objective. The draft said there were many adoptable pets through shelters, but if someone was looking for a specific type of animal they may not be able to find it at a shelter or rescue. Mr. Van Buren was opposed.

Mr. Knecht asked how this would help to reduce overpopulation. Mr. Strachan explained this ordinance could influence market forces by showing pets from "puppy mills" were not desired. The intent of the ordinance was not meant to prohibit responsible breeders.

Mr. Handley could understand why this would be helpful in preventing the spread of illness but said there was no data to support the prevention of overpopulation. He was inclined to believe that rabbits were more likely to escape or not be properly cared for. Without any regulation there was the risk of a more serious problem. He wanted more data before he was willing to remove rabbits from the ordinance. Mr. Stewart pointed out that rabbits could always be added back in at a later point if it did become a problem later.

Mr. Harding believed there was likely data to support overpopulation. Pets were sometimes impulse purchases and eventually the owner loses interest in the pet later on. Mr. Harding thanked Mr. Strachan for his efforts to research this. Mr. Harding agreed with Mr. Sewell, he did not think it was a big enough problem in Provo to justify adding more regulation. It could always be fixed in the future if it became a problem. He planned to vote against the ordinance.

Mr. Handley preferred to get more information before voting against the ordinance. Mr. Sewell agreed with Mr. Handley, he said there was not enough data to support removing rabbits from the ordinance.

Substitute Motion: Councilor Van Buren made a substitute motion to table the ordinance. The motion was seconded by Councilor Winterton.

Chair Harding called for a vote on the substitute motion.

Vote: The substitute motion to table the ordinance passed 7:0 with Council Members Handley, Harding, Knecht, Sewell, Stewart, Van Buren and Winterton in favor.

5. Ordinance 2019-13 amending Provo City Code to repeal and remove references to the Student of Higher Education and Young Adult Advisory Board. (19-033) ([1:33:25](#))

Motion: An implied motion to adopt Ordinance 2019-13 as currently constituted, has been made by council rule.

Brian Jones, Council Attorney, presented. One chapter in Provo City Code referred to the Student of Higher Education and Young Adult Advisory Board which had not been in effect for some time. This ordinance would repeal and remove references to the board. Mayor Kaufusi agreed it would be good to have these references removed from the code because a new committee, the Young Professionals Committee, had been implemented in 2018.

Chair Harding opened public comment, there was no response. He called for a vote on the implied motion.

Vote: The motion to approve Ordinance 2019-13 passed 7:0 with Council Members Handley, Harding, Knecht, Sewell, Stewart, Van Buren and Winterton in favor.

6. **CONTINUED An ordinance correcting deficiencies in the Campus Mixed Use Zone pertaining to design regulation identified by Community Development. (PLOTA20190025)**

7. **CONTINUED An ordinance amending the Zone Map classification for approx. 3.724 acres of real property generally located at 2400 N 650 E to include a PD Performance Development Overlay Zone in the R1.10 Zone. Rock Canyon Neighborhood. (PLRZ20190029)**

Items 8 and 9 were ready into the record together because they were related. Mr. Decker would address the items together.

8. Resolution 2019-16 of the Provo City Municipal Council regarding site and process selection for a new water reclamation facility. (19-037) ([1:35:51](#))

Motion: An implied motion to adopt Resolution 2019-16 as currently constituted, has been made by council rule.

Dave Decker, Public Works Director, presented. The first part of this resolution was direction from the Council to staff to continue with the design and construction of a new treatment plant. The second part of the resolution indicates a budget for the project. There were two numbers provided, approximately \$98 million for construction and approximately \$57 million for collection systems and second phases. This resolution was part of the state requirements relative to the variance request sent to the state

about 18 months earlier. There were two deadlines approaching, one being May 1 which would be satisfied by this resolution. The second deadline was in December for a capital facilities plan, Mr. Decker thought this would be ready for approval in August. Mr. Decker asked for aerial views of the plant to be displayed. He provided a quick overview of how the existing site would be leveraged ([1:38:38](#)).

Chair Harding called for a vote on the implied motion.

Vote: The motion to approve Resolution 2019-16 passed 7:0 with Council Members Handley, Harding, Knecht, Sewell, Stewart, Van Buren and Winterton in favor.

9. Resolution 2019-17 of the Provo City Municipal Council regarding loan authorization for the first phase of a new water reclamation facility. (19-038) ([1:35:51](#))

Motion: An implied motion to adopt Resolution 2019-17 as currently constituted, has been made by council rule.

This resolution would authorize Mayor Kaufusi to sign the documents associated with the state loan needed for the first phase of a new water reclamation facility. Under Council's direction, staff pursued a loan from the Division of Environmental Quality (DEQ) Board. The application was for \$120 million, they were not able to authorize the entire amount but \$77.8 million was authorized. Of the total loan amount, \$2 million was loan forgiveness at a very low interest rate of 0.5 percent. This resolution was the first step in indicating to the DEQ Board that the City intended to pursue this.

Chair Harding opened public comment for items 8 and 9.

Beth Alligood, Provo resident, thanked the City for finding a quality solution at a lesser cost to the residents.

Mr. Harding clarified that this option would cost more over the life of the project, but it delayed some of the capital expenses until later in the project.

Mr. Winterton recalled from previous meetings that the state loan would require the use of certain contractors that would cause the cost of labor to increase. Mr. Decker said this was correct, but the benefits of the loan outweighed this.

Vote: The motion to approve Resolution 2019-16 passed 7:0 with Council Members Handley, Harding, Knecht, Sewell, Stewart, Van Buren and Winterton in favor.

Adjournment

The meeting was adjourned by unanimous consent at approximately 7:15 p.m.