



## PROVO MUNICIPAL COUNCIL

### Work Meeting Minutes

12:00 PM, Tuesday, February 05, 2019  
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 David Harding, conducting  
Council Vice-Chair Kay Van Buren  
Councilor David Sewell  
Councilor David Knecht  
Councilor George Stewart  
Councilor George Handley  
Councilor Gary Winterton, arrived 12:16 PM  
Mayor Michelle Kaufusi, arrived 12:06 PM

#### Prayer

Councilor George Stewart offered the prayer.

#### Approval of Minutes

1. **January 10, 2019 Legislative Breakfast**  
*Approved by unanimous consent.*

#### Business

2. **A discussion on items related to the Wastewater Treatment Plant site and process selection (18-052) ([0:04:30](#))**

Dave Decker, Public Works Director, presented. Mr. Decker outlined the topics which Public Works staff and consultants hoped to address during their presentation, including a site and process recommendation.

Cory Christiansen, WaterWorks Engineers, gave a broad overview to the process and context for the wastewater treatment plant project. Mr. Christiansen outlined the changes to State regulations and standards, which have impacted the City's options for compliance. Mr. Christiansen also outlined the risk assessment completed on the City's current wastewater treatment plant; about 75% of the facility falls into the high risk of failure and high criticality segment of the scoring matrix, which was a significant factor in the solutions considered for future wastewater treatment.

Mr. Christiansen outlined considerations, including pros and cons, of the two main sites considered in the planning process (the existing wastewater treatment plant site and a new site identified on the west side of Provo). Both sites tested similarly for geotechnical and seismic concerns. Risk mitigation strategies have also included analysis of the former landfill at the existing wastewater site, maintenance of current plant operations, and the feasibility of construction at each part of the project. Mr. Christiansen explained that to combat the effects of liquefaction which could occur in an earthquake, there are certain ground treatments in the construction process to stabilize the facility, so that the structure is grounded in such a way to allow for great resilience in the event of an earthquake.

Mr. Decker explained that Public Works would likely bring forward a resolution in the spring regarding the site and process selection, in advance of the State's May deadline.

Mr. Christiansen outlined differences between different treatment technologies and what technologies have been recommended to the Public Works department, one of which was membrane bioreactors. Mr. Christiansen noted that the basins of the facility would need to be built aboveground due to the geotechnical factors, however the design of the site and landscaping would preserve the hidden feel of the site that currently exists. The consultants have done their best to work within the State and City's budget constraints and the requests of Public Works staff.

Mr. Christiansen addressed a question from Councilor David Harding regarding reuse of effluent water; there are options for reuse of effluent water in public parks or the golf course, reuse within a wastewater or other secured facility, or potentially in aquifer storage and recovery (ASR) projects. Mr. Harding was interested in receiving more information about ASR, noting that there is a lot of sensitivity surrounding reuse of wastewater treatment effluent, particularly as it concerns drinking water. He wondered whether reuse of effluent for agricultural uses, where many farmers have to supplement their soil with nitrogen and phosphorous artificially, might be a mutually beneficial reuse. He was interested in getting more information from Public Works about why ASR was preferable over agricultural reuses.

Mr. Christiansen explained that their firm is based in Arizona, where they have done a great deal with ASR. Almost every wastewater plant in Arizona does something with ASR or reuse. Mr. Christiansen explained that the intent behind identifying membrane bioreactors (MBR) as the preferred technology was because it provided the flexibility for the same costs to get the City to a further point should the City wish to pursue higher levels of reuse down the road.

Mr. Christiansen and Mr. Decker addressed other questions from Councilors, including:

- Mr. Winterton asked if the City were to secure more funds, whether the selection of sites would remain the same. If there were a \$120-\$140 million budget, they may reconsider the site, but that amount of funding would be needed in order to have the same level of treatment at the other site. If the budget were less, it would not make sense to relocate to the was less than that, it would not make sense to relocate the site, because they would have less financial capacity to provide as high a level of treatment.
- With the pay-as-you-go method of financing the project, it would certainly be possible to implement or introduce new elements of technology to complement the current plan or initial basins, as those technological options continue to advance.

- Mr. Decker noted that the financial constraints of the State loan played a significant role in the scope of the project and how it would be done.
- By raising the basins aboveground at the existing site, that would also eliminate the need for several pump stations.
- Mr. Harding asked for clarification on how a retrofit of the existing plant would not rely on maintaining old pipes. Staff and consultants indicated that components, such as digesters, would be reused, whereas the liquid stream pipelines were being completely replaced. There are several elements of the plant which have a significant portion of their useful life/utility remaining. In phase two, many of those components would be completely replaced and eliminated. While it would not result in a new treatment plant immediately, it would over the next 12-15 years as a result of the cumulative effect of a phased project.
- Repayment of the loan has been anticipated in the prepared financials and rate structure.

Staff recommended moving forward with selection of the existing site, a treatment facility utilizing membrane bioreactor technology. They would prepare a resolution which would come before the Council in March or April, in order to meet the reporting deadlines for the State.

Councilors shared comments and commended the Public Works staff and consultants for their attention to the many moving pieces of the project, while working within the acknowledged budgetary constraints, and still resulting in the best possible product. The Council felt that they had done an amazing job.

Mr. Decker outlined a slide comparing the net present value (NPV) of the state loan versus getting a private loan on the market. Jimmy McKnight, Public Works Budget Analyst, was out sick, but Mr. Decker shared some details based on Mr. McKnight's research. Construction costs under the State loan and obligations, there would be about a \$1.5 million cost impact (due to Davis-Bacon wages and Buy American provisions). Staying with the State and its low-interest rate, the difference between the State loan and a private loan at a higher interest rate represents about a \$20 million NPV difference. Mr. Decker indicated that Mr. McKnight could send additional information and details regarding the NPV calculation. Mr. Decker also reviewed the map of Provo City existing sewer capacity with the Council. *Presentation only.*

### **3. A discussion regarding an agreement between Provo City and West Union Canal Company regarding water rights (19-025) ([1:08:33](#))**

Dave Decker, Public Works Director, also presented on this item. He explained background information regarding irrigation shareholders and how these water rights work. Provo City currently owns 1.6% of a particular water right with West Union Canal Company, for irrigation. The proposed agreement would transfer the City's water right to an equivalent water right on the Provo River; this is very similar to what the City has in other parts of the river and would be an overall benefit to the City's water holdings. Mr. Decker explained that they would be closing on the agreement in the coming days and had hoped to receive a decision from Council as soon as possible, to further the process. *Presentation only. This item was scheduled for the Council Meeting on February 5, 2019.*

**4. A discussion on the proposed Storm Drain Master Plan (18-102) ([1:17:21](#))**

Dave Decker, Public Works Director, presented on this item and outlined overall proposed improvements, including regional detention basins throughout the City. Mr. Decker noted that future State requirements would require onsite water infiltration. Mr. Decker also highlighted the related impacts to user fees on monthly bills and impact fees.

Councilor George Handley commented on the large proportion of paved areas at ecclesiastical structures throughout the city. *Presentation only. This item was scheduled for the Council Meeting on February 19, 2019.*

**Policy Items Referred from the Planning Commission**

**5. A discussion on an ordinance amending the Zone Map Classification of approximately 0.98 acres of real property, generally located at 672 South 1600 West, from Agriculture (A1.1) to Single-Family Residential (R1.10). Sunset Neighborhood. (17-0019) ([1:28:50](#))**

Brian Maxfield, Planning Supervisor, presented. Mr. Maxfield outlined elements of the rezone request. Mr. Maxfield clarified that there is not a State law against spot zoning, or against zoning one particular property only. Mr. Maxfield responded to a question from Mr. Harding regarding spot zoning and Mr. Maxfield made several clarifications about the nature of this request, as well as this request in the context of the City's General Plan. *Presentation only. This item was scheduled for the Council Meeting on February 5, 2019.*

**Budget Committee**

**6. A presentation of the Economic Development and Redevelopment Departments and potential budget requests (19-004) ([1:34:20](#))**

Dixon Holmes, Economic Development Director, presented. Mr. Holmes introduced the presentation and expressed appreciation for the Council for their previous support in many initiatives in their division. He outlined several specific milestones and achievements of the past year, in various retail areas of the City, the airport, and other business centers in Provo, as well as opportunities in the coming fiscal year. Provo was able to secure opportunity zones, as part of a federal program. The opportunity zone in Provo is one of two in Utah County; the other, in American Fork, is much smaller. Cameron Christensen, Management Analyst, has been receiving many contacts for the last six months or so regarding the opportunity zones.

Mayor Kaufusi expressed that it was really amazing that Provo had secured this opportunity zone; she hears from many other mayors and officials in other cities about this opportunity and how advantageous it will be for Provo. Mr. Christensen elaborated on the qualifications for an opportunity zone and qualifying projects, and indicated that they could share additional information regarding opportunity zones with the Council.

Much of their work in Economic Development relies on working with existing businesses to help facilitate conditions in the City which will bolster their businesses. Mr. Holmes outlined several

efforts at the Mountain Vista Business Park and development efforts to improve that area. Mr. Holmes also outlined use of the EPA brownfields mitigation grants. The revolving loan fund continues to be a useful resource which Economic Development shares with potential users. Mr. Holmes also noted a number of advancements in the downtown area, as well as an evaluation by the Milken Institute which named Provo as one of the top metro areas in the country.

Mr. Holmes reiterated goals and forthcoming opportunities in the upcoming fiscal year. He welcomed the Council's continued support of strategic land acquisitions, advances at the Provo Airport, addressing the wastewater treatment plant (as this is a key component in moving development forward), and the west side General Plan. Mr. Holmes noted that their policy has typically been to negotiate post-performance incentives, rather than writing a check. Mr. Holmes explained that if they had to cut funds in an area, he felt it may be in the professional services area, which is how they fund consultants.

David Walter, Redevelopment Director, presented on budget considerations for the Redevelopment Agency. He outlined sources of funding for the RDA, noting that tax-increment financing and federal grants were primary funding sources. He addressed RDA programs including redevelopment project areas, CDBG (Community Development Block Grants), HOME, collaboration with partner agencies to promote development of workforce housing, and other projects and initiatives of the RDA. He clarified that RDA does not receive funds from the City's General Fund; to increase their funding, they would need to either increase the scope/size of project areas or request more grant funding. Mr. Walter also explained additional details on tax-increment financing and when it would be an appropriate solution to apply in redevelopment efforts. He offered additional clarification on these items as questions arose from Council members.

Mr. Walter highlighted recent successes and redevelopment efforts completed in designated project areas, including the IFA property, the Provo Towne Centre mall, and elsewhere in the city. As project areas drop off, he felt it was important to note that they have received requests to expand the Mountain Vista Project area; they have resisted this, as they would hope to utilize the CDA (community development area) capacity elsewhere in the City, rather than coming back to the partners in the CDAs to continue to expand existing CDAs. *Presentation only.*

## **Business**

### **7. A discussion regarding parking enforcement in Provo (19-018) ([2:43:08](#))**

Austin Taylor, Parking and Sustainability Coordinator, presented. Sandy Bussio, Parking Enforcement Supervisor, has requested several code changes that would better regulate the parking of cars, trailers, boats, etc. on City property or City streets for prolonged periods of time. Mr. Taylor outlined the code change, which would require that a vehicle be moved at least 400 feet prior to returning to the same location. The intent was to discourage non-working vehicles from being left on City streets and to strengthen enforcement.

Councilors shared comments and feedback on the proposal, including comments on other inoperable vehicles (such as RVs or other recreational vehicles) and parking permit programs. Mr. Taylor explained that the code change presented would come to the Council on February 19. Mr.

Taylor highlighted another code change, which would allow City parking enforcement to enforce on city-owned parking lots and garages. A couple parking garages are owned by the RDA, but may be managed by a private parking enforcement group. The City would not necessarily take over that enforcement, but the city code could be adjusted to read "city-managed" parking lots and garages. Mr. Taylor shared additional thoughts on parking in the downtown area, highlighting various types of parking available downtown as shown in the new online parking map at [provo.org/parkingmap](http://provo.org/parkingmap). Nearly 58 acres or 25% of land use types in the downtown area is dedicated to parking, much of which goes unused even at peak hours. Mr. Taylor shared ideas and outlined additional upcoming changes which may be brought forward in formal proposals, including signage updates, downtown parking enforcement, exploring use of parking meters in strategic areas, and continued use of technology to support these changes.

Councilors shared comments and feedback, including:

- Councilor George Handley highlighted certain areas on Center Street where the lack of sidewalks makes parking areas more dangerous for pedestrian users.
- Councilor David Harding felt there had been a lot of talk about updates to signage in the last several years, and he hoped to see positive movement on that front.
- Councilor David Knecht commented on an app used by Downtown Provo which showed details about parking.
- Mr. Taylor noted that the Provo Parking Maps includes a “Near Me” feature to show parking within a certain radius of a downtown destination.
- Gary McGinn, Community Development Director, elaborated on several of the priorities and projects outlined by Mr. Taylor, and shared additional comments.
- David Walter, Redevelopment Director, had more information on parking garage management and the numbers of public parking spaces available in them.

*Presentation only.*

**8. A discussion regarding the proposed amendments to the Accessory (A) and Supplementary (S) overlay zones and the proposal to combine and simplify these zones (19-022) (3:12:24)**

Brian Jones, Council Attorney, presented. Many of these changes had been suggested by Councilor David Knecht, as a result of recommendations from the Council’s Zoning and Housing Committees (for both of which Mr. Knecht is the committee chair). A large portion of the language in city code related to the A- and S-overlay zones was identical; the principal objective was to consolidate the duplicated language into one section. Mr. Jones outlined elements of the proposal, including:

- Previously the S-overlay permitted 4 unrelated adults, whereas the A-overlay permitted only 2 unrelated adults. The change would permit 2 unrelated adults in both A- and S-overlays, with a Conditional Use Permit in the S-overlay to raise the limit to 4 unrelated adults.
- Relocated to Title 6 Business Licensing
- Update code to require accessory apartments to obtain a rental dwelling license
- Clarification of development standards and adjusted wording (an accessory apartment “in” changed to “with” a single-family dwelling). The revised language would expand the options to include other setups, such as over an attached garage, inside the home through internal conversion, through an addition to the house, and in a detached accessory structure located in the rear yard and meeting certain conditions and criteria.

- Update family definition to include the owner’s spouse, as required by federal law
- Additional details on the logistics of combining the two chapters for the A- and S-overlay
- Clarifications on occupancy requirements/restrictions
- Consistency between military service exemptions in both A- and S-overlays
- Clarification on permitted number of bedrooms based on designation/conditional uses
- Updated parking requirements to regulate conditional use
  - Gary McGinn, Community Development Director, clarified that conditional uses are not discretionary; the standards and requirements should be very explicit.

Council members shared comments and asked additional questions of Mr. Jones. Mr. Jones indicated that the decision point for the Council was whether or not to forward this proposal to the Planning Commission for their review and recommendation. Mr. Jones noted that all standard zoning provisions would still apply; the changes were intended to be simplified and not to be more permissive than previously. Mr. Jones answered several additional questions from Councilors, and offered clarification on certain points of the proposal:

- Councilor George Handley asked for additional clarification about vehicles and off-street parking. Mr. Jones shared language clarifying and defining the parking requirements.
- Councilor George Stewart suggested evaluating the requirements for an over-65 accessory in order to ensure consistency.
- Mr. Jones reviewed additional language changes throughout the section. He noted that the proposal included a provision for adding an A- or S- overlay to one structure immediately contiguous to an overlay already meeting the requirement.
- The proposal restricted the presence of a second kitchen within the main residence of a one-family dwelling containing an accessory unit.

**Motion:** George Stewart moved to send this proposal to the Planning Commission for review. Seconded by David Knecht.

Councilors shared additional comments on the motion and the proposal:

- Councilor David Knecht requested that Community Development and the Planning Commission examine the elements of moving the S- overlay to a conditional use.
- Councilor David Harding highlighted several questions to consider, including the difference between accessory uses versus accessory units, and policy considerations with accessory apartments (regulating creation of accessory apartments versus regulating existence of them). Mr. Harding wondered whether the Council desired to work through these questions prior to sending the proposal to the Planning Commission for review.
- Mr. McGinn said that accessory apartment units would be an easy way to add affordable housing units, but the Council may wish to consider impacts to City services or infrastructure.
- Mr. Knecht felt that the over-65 chapter could be addressed separately.
- Several Councilors expressed support for sending the proposal to the Planning Commission, as the questions raised by Mr. Harding may take more time to address. Mr. Jones noted that because the Planning Commission was an advisory body, it might be preferable to fully complete these other elements before sending for their review.

**Vote:** Approved 7:0.

**9. A discussion on a Neighborhood Program ordinance amendment related to fee waivers and vice-chairs (19-017) ([3:49:47](#))**

Karen Tapahe, Neighborhood Program Coordinator, introduced the discussion in brief. Ms. Tapahe outlined the history of this policy discussion. Historically, the number of vice-chairs did not have an upper limit and it has caused a few complications. The decision points before the Council for consideration included should there be a limit to the number of vice-chairs in a neighborhood; if so, what should the limit be; and if changes were made, what should happen to neighborhoods that currently have more than the upper limit. The other proposed change would codify what has been a general practice in the past of waiving fees for land use applications when they are put forth by a neighborhood chair. The provisions would include a process for formal approval from the Neighborhood Advisory Board, while preserving Community Development as the final decision maker regarding the fee, which was an important part of their administrative responsibility. The NAB was supportive of the process as it was proposed.

Councilors discussed the implications for the changes to the role and composition of neighborhood vice-chairs. Councilors' comments included:

- Councilor George Handley wondered whether there was a perception about a neighborhood chair retaining a governance position in a neighborhood; he felt that as long as there were open conversations in neighborhoods about whether they want to continue with the same leadership, that would resolve his concerns.
- Councilor David Harding shared comments on the term length of 2 versus 4 years. He has also seen neighborhoods where a large group of vice-chairs functions like a committee.

**Motion:** George Stewart moved to move this item to a future Work Meeting. Seconded by George Handley. *Mr. Stewart later withdrew the motion and no vote was taken.*

Teri McCabe, Franklin Neighborhood Chair, expressed that she has seven vice-chairs and it has been helpful to her to have at least four. Ms. McCabe had spoken with Celeste Kennard, Joaquin Neighborhood Chair, who also relied on several vice-chairs.

Councilor David Knecht clarified that they did not want to limit the leadership ability of the chair; the code would still permit chairs to appoint vice-chairs should they need assistance. *Presentation only. This item was already scheduled for the February 5, 2019 Council Meeting.*

**10. Further discussion on Council Committees, including a review of Council Board and Committee assignments and Council goals (19-002) ([4:13:32](#))**

Council Chair David Harding introduced this item, emphasizing the importance of initiating this discussion. Mr. Harding noted the urgency of creating ad hoc committees as necessary to allow Councilors to get to work on issues of concern. *Due to limited time, this item was continued to the Work Meeting on February 19, 2019.*

**11. A discussion on the frequency of joint meetings (19-024) ([4:03:56](#))**



Council Chair David Harding shared comments and introduced this discussion on the regularity of joint meetings with the Orem Council and the School District. Cliff Strachan, Council Executive Director, shared feedback and comments from the Orem City Manager, who indicated that many were favorable to the reduction in the number of meetings. Mr. Harding shared the proposed policy to move from 4 to 2 meetings per year with each of those aforementioned groups. He invited comments from Councilors on the proposal.

**Motion:** George Stewart moved to reduce meetings with the Orem City Council and Provo School District to two meetings per year, with the ability to add additional or emergency meetings as necessary. Seconded by David Sewell.

Councilors shared comments, including:

- Councilor David Knecht highlighted the opportunity of these meetings for more consciously examining ways to work together with community partners. He suggested having 3 meetings per year instead of 4, so as to have a more gradual adjustment. He felt that having lunch meetings rendered more meetings less of an imposition. He felt that the relationships with Orem and the School District were important to maintain.
- Councilor Gary Winterton felt these meetings were valuable opportunities to learn more about City operations and to build relationships with community partners. He supported holding quarterly meetings, as a dedicated time to pursue these ends was positive.
- Mr. Harding suggested meeting quarterly with those groups used much of the Council's bandwidth, when they do not meet with other City boards as regularly. When there is regularly not a quorum present among guests, it suggested that meetings were held too frequently.
- Councilor George Handley was comfortable with moving to two meetings per year with Orem and the School District, with the proposed flexibility of adding meetings as needed.
- Mayor Michelle Kaufusi also felt that joint meetings were valuable in building relationships.

**Vote:** Approved 5:2, with Councilors Gary Winterton and David Knecht opposed.

### **Closed Meeting**

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.

Mr. Jones outlined the request for the Closed Meeting, regarding reasonably imminent litigation.

**Motion:** George Stewart moved to close the meeting. Seconded by Kay Van Buren.

**Vote:** Approved 7:0.

### **Adjournment**

*Adjourned by unanimous consent.*