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PROVO MUNICIPAL COUNCIL
Redevelopment Agency of Provo
Regular Meeting Minutes
5:30 PM, Tuesday, July 09, 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 Knecht
Council Member Vernon K. Van Buren	Council Member Gary Winterton
Council Member George Stewart	Council Attorney Brian Jones
Council Executive Director Cliff Strachan	Mayor Michelle Kaufusi
Wayne Parker, Chief Administrative Officer	

Conducting: Vice Chair Vernon K. Van Buren

Excused: Councilors David Harding and David Sewell were excused.

Prayer

Carl Barker

Pledge of Allegiance

Lance Reynolds

Approval of Minutes

- **May 21, 2019 Council Meeting**

The meeting minutes for May 21, 2019, were approved by unanimous consent.

Presentations, Proclamations, and Awards ([0:06:44](#))

- **Provo Youth Football Donations**

Provo Youth Football President Garrett Deucher spoke to the Council about the benefits of their program, and also explained how the community rallied together to help recover and replace equipment that had recently been stolen. He said over \$20,000 worth of equipment had been stolen from a trailer parked at a board member's home. Many of the kids who participate in the program are already there on scholarships and funding was limited. They started a GoFundMe campaign and were able to raise some money towards replacing the equipment, but the real help came from local businesses that donated approximately \$15,000.

The businesses Mr. Deucher recognized for contributing were:

- Spring Creek Condos
- Carpets America
- All Star Roofing

- Artistic Plastering
- RB Construction
- My Utah Signs
- Remedy Design

Vice-Chair Van Buren was glad the stolen equipment could be replaced to allow the children to play. It was a good example of the community stepping up to help.

Neighborhood Spotlight ([0:15:24](#))

○ Introduction of the new Foothills Neighborhood Chair, Ruth Thomas.

Karen Tapahe, Neighborhood Program Coordinator, introduced Ruth Thomas as the new Foothills Neighborhood Chair and invited Ms. Thomas to address the Council. Ms. Thomas explained that Foothills was geographically one of the largest neighborhoods in Provo. She had a three-point plan for her neighborhood: communication, comradery, and compassion. She wanted to recruit a few more neighborhood chairs in the areas that were underrepresented. Ms. Thomas shared with the Council that she worked as a strategy consultant for a non-profit and was also an organist.

Mr. Knecht agreed it was a large and diverse neighborhood. The neighborhood had a large number of residents spread out over a large area. He said the Joaquin neighborhood was very dense, it had about 14,000 residents and door to door issuance of flyers could be a daunting task. He asked Ms. Thomas how she planned to handle these challenges. She said the first approach was use the networks they have in place to recruit a vice-chair from each sector. The second approach was a neighborhood information postcard that could be sent to all the address with basic information about their neighborhood. She said if the postcard only yielded three to four percent of feedback, this would triple the current participation. Their email list only had 40 people on it. She did not think the geography itself was a challenge; however, the disparity between the areas was challenging.

Mr. Knecht said home owners associations in Provo were a kind of subset for each area. Karen Tapahe had recently sent a list of the associations in Provo and Mr. Knecht thought this could be as an additional tool for the neighborhoods to ask the associations to share neighborhood news and work together.

○ Introduction of the new North Park Neighborhood Chair, Eric Chase.

Ms. Tapahe introduced Eric Chase as the new North Park Neighborhood Chair and invited him to address the Council. Mr. Chase previously served as Vice-Chair. He said the neighborhood was also large geographically. It extended from the old Provo High to Paul Ream Park. Mr. Chase thought his neighborhood had some of the best amenities in Provo: The Recreation Center, new Provo Power Building, Provo River Trail, Bulldog Boulevard Project, and access to Bus Rapid Transit.

Mr. Knecht thanked Mr. Chase for his willingness to serve his neighborhood.

Vice-Chair Van Buren thanked all those who serve their neighborhoods, this was an important part of the City.

Public Comment ([0:24:58](#))

Vice-Chair Van Buren opened public comment.

Jay Goodliffe, Provo resident, read the following statement:

"My name is Jay Goodliffe, and I am a resident of Edgemont neighborhood. I am here to talk about the sale of Timp Kiwanis Bounous Park. To see what entity has influence or power in government, we figure out what each entity wants, and see what each entity gets through government decisions. We do not worry so much about what people say; instead, we look at outcomes. In other words, "by their fruits ye shall know them." So what did the three entities want with Bounous Park? Provo Parks and Recreation wanted the money for their new soccer complex, and to stop taking care of Bounous Park, which was a hassle to them. Provo School District wanted to own Bounous Park with no legal restrictions. The next best option was to own Bounous Park with legal restrictions. Edgemont Neighborhood wanted to maintain city ownership of the park. The next best option was to have a strong legal restriction to keep it a park if the school district owned it. Given what each entity wanted, the outcome where everyone would get something was for the city to sell the park to the school district with legal restrictions. So what did each entity actually get? Provo Parks and Recreation got their money, and no longer have to maintain Bounous Park. And the School District got Bounous Park, with no legal restrictions. Even though the neighborhood repeatedly expressed their preferences that the park be protected, appearing at numerous meetings, the neighborhood got nothing: The city sold the park, and sold it without any legal restrictions. The neighborhood did get a statement of intent from the school district which is "not a contract nor is it intended to be legally binding." As far as this decision goes, this shows that Provo Parks and Recreation and Provo School District had influence, and that the neighborhood had none. In other words, this was a win-win-lose outcome. As far as words go, city officials said many times that they hoped Bounous Park would remain a park. And the neighborhood did get a bunch of sorrys from various city officials when you voted to sell the park without even knowing the full agreement. For those words, I thank you. But actions speak louder than words. As far as actions go, I thank Council Members George Handley and Dave Sewell, who voted against selling the park without legal restrictions. For city government as a whole, for your actions on Bounous Park in our neighborhood's behalf, in the end, you did nothing to protect us. And so, there is nothing for which to thank you."

Sheree Glazer, Provo Resident, spoke about the proposed Terra Development on north Canyon Road. She understood the project had not yet been approved by Council. In the neighborhood meeting she attended the development was opposed for various reasons, one of those was the development of a water tank. She said the development would likely bring in many new children and the schools were already overfilled. Ms. Glazer was also worried about the high-density nature of the project creating additional traffic congestion.

There were no other comments from the public.

Action Agenda

3. Resolution 2019-38 consenting to the appointment of individuals to various boards and commissions. (19-003) ([0:31:19](#))

Motion: An implied motion to adopt Resolution 2019-38 as currently constituted, has been made by council rule.

Mayor Kaufusi explained that board and commission members were appointed by the mayor and accepted by council. This was a way to keep the community involved and help the City with public

outreach, transparency, and public input. She explained those interested in serving could apply online. This resolution would fill every vacancy. The Council had the opportunity to meet with each of the appointees prior to the meeting.

Edgar Escobar was being appointed to the Building Inspection Board of Appeals and had not previously met with Council, he was invited to introduce himself. Mr. Escobar said he was born in La Paz, Bolivia. He had lived in Provo since 2000. When he first got to Provo he worked in construction and then started his own company in 2006.

Vice-Chair Van Buren opened public comment.

Ruth Thomas noted that State Representative Adam Robertson was on the airport board. She wondered if this might be a conflict of interest due to his role as legislator. Council Attorney Brian Jones was not aware of any potential conflicts and said Mr. Robertson would need to recuse himself if a conflict did arise.

There was no further comment. Vice-Chair Van Buren called for a vote on the implied motion.

Vote: The motion to approve Resolution 2019-38 passed 5:0 with Council Members Handley, Knecht, Stewart, Van Buren and Winterton in favor. Council Members Harding and Sewell were excused.

4. Resolution 2019-39 supporting the Utah County Good Governance Advisory Board's proposal to include the change of government question on the November 2019 ballot. (19-060)
[\(0:38:27\)](#)

Motion: An implied motion to adopt Resolution 2019-39 as currently constituted, has been made by council rule.

Mayor Kaufusi introduced Dr. Cameron Martin who served as the Chair for the Utah County Good Governance Advisory Board (UCGGAB). Mayor Kaufusi served as a board member for the UCGGAB. She explained that a group had filed a petition to change the form of government in Utah County. In response, the UCGGAB was formed to present a recommendation about what form of government would be best. There were 15 people who served on the UCGGAB with backgrounds ranging from academia, government, and business. They all came to the same conclusion and made a unanimous recommendation that the County should have a Mayor-Council form of government with one mayor and seven council members, like Provo. This would be a change from the three-person commission that served as both the legislative and executive branches of government. With Utah County's population booming, many had wondered whether the form of government should be modified to prepare for future challenges. The County Commissioners were supposed to be deciding whether to put the proposed change on the ballot but Mayor Kaufusi explained there had been a recent snafu with this plan. She concluded by telling the Council that she and Dr. Martin were both available to answer any questions the Council had.

Mr. Handley was supportive of the resolution and thankful for the work of the UCGGAB. He said Commissioner Bill Lee was quoted in the news describing the process as, "rushed, frustrating, and agenda-driven." Mr. Lee also questioned whether there was adequate support for the Council-Mayor model and said more discussion was needed. Mr. Handley wanted to help the public understand how deliberate and thorough the process had been. He asked Dr. Martin to describe the process and how they arrived at their final recommendation.

Dr. Martin said the process had been very open and public. When selecting the UCGGAB members, he asked if the prospects were already engaged in the petition to change the form of government and whether they had any interest in public office. None of those selected for the board had an interest in running for county office, which disqualified Commissioner Lee's assertion that there were ulterior motives by any member of the committee. All of the meetings had been noticed on the Utah Public Notice Website, as well as their own website. Meetings were hosted from North County to South County and the committee engaged with hundreds of individuals, both in person and online. Of all the people he spoke with, he only recalled two people who favored keeping the current form of government. He said there was an overwhelming feeling that change was needed. The County was growing, and it called for change. He worried the current form of government could be easily manipulated because when two of commissioners disagree, the person in the middle holds the power. The recommendation of the body was to change to the mayor-council form of government that allowed for checks and balances.

Referring to a petition that had been filed by Utah County Commissioner Bill Lee earlier in the day, Councilor Stewart asked if this would derail the proposal. Dr. Martin said it would not derail the work of the board, their tasks were complete, and the work had been submitted.

Clifford Strachan, Council Executive Director, thought that David Leavitt (Utah County Attorney) believed Commissioner Lee's petition would preempt the commission from voting on the recommendations made by the board. The rationale behind the petition was not clear and it was unknown whether the petition would bring litigation, according to Mr. Strachan. It was still an option for the other two commissioners to seek legal counsel and explore an injunction to have the petition overturned given that it might be construed as a filibuster or obstruction of process.

Mr. Knecht asked if there would still be options if the petitioners failed to gather the required number of signatures. Mr. Strachan said there would not be time for anything to go on the 2019 ballot, it would have to take place in 2020.

Dr. Martin had spoken with multiple state legislators about this petition and they were exploring various options. They shared the sense of urgency and need for change.

Mr. Winterton was uncomfortable with three people controlling the County's large budget. Mr. Parker later noted the County's budget was approximately \$400 million, but \$237 million was pass-through sales tax dollars, leaving an operating budget of about \$164 million. Mr. Winterton felt there was a lack of representation in the county. He supported this proposal and was frustrated that residents might not have the opportunity to vote on it. He asked Dr. Martin how many different forms of government were considered. Dr. Martin said the board contemplated four forms of government:

- Three full-time commissioners (current form)
- Five part-time commissioners
- County executive form (One full-time mayor and seven part-time councilmembers, like Provo)
- Manager form (full-time administrator and mayor is part of the council)

Mr. Stewart thanked Dr. Martin for his time and service. He was disappointed by the latest petition, he said it was tragic. He hoped this resolution would help to solve the issue.

Councilor Winterton asked how he could help. Dr. Martin encouraged the Council to use their social networks to share the information, the final reports and recommendations were available online at www.utahcountyfuture.com.

Mr. Knecht noted that various forms of government had been considered; the most recent petition filed by Utah County Commissioner Bill Lee supported the five-member council. He asked why the five-member council had not been selected by the board. Dr. Martin said the board felt it was important to have a full-time champion, someone who could engage and represent the interests of the county.

Mayor Kaufusi encouraged the Councilors to reach out to the Commission and share their concerns.

Vice-Chair Van Buren opened public comment.

Pam Jones, Provo, asked what the criteria would be for determining the county council districts. Mayor Kaufusi explained that it would be decided based upon population and then the two county-wide positions. The board had seen various concepts, but they had not been tasked with determining the districts.

Public comment was closed.

Mr. Strachan reviewed the six recommendations included in the resolution:

#1 - The Utah County Board of County Commissioners should support a change of Utah County's form of government from its current three-member county commission form to the county executive-council (mayor-council) form of government with a full-time elected at-large mayor, [and] an elected seven-member part-time county council that has five seats elected by districts and two seats elected at large.

#2 - The Utah County Board of County Commissioners should pass a county ordinance to hire a professionally trained and skilled chief administrative officer (CAO) to aid in the day-to-day management of the county.

#3 - The Utah County Board of County Commissioners should move expeditiously to hold a special election in November 2019 to seek voter approval for a change in Utah County's form of government to the mayor-council form.

#4 - The Utah County Board of County Commissioners should establish a non-partisan committee to follow established federal and state judicial criteria and recommend the geographic boundaries for the five district seats of the county council. Public engagement in this process guards against perceptions of self-serving decisions made by county officials.

#5 - The Utah County Board of County Commissioners should establish a compensation committee comprised of volunteers with expertise in cost analysis and compensation. Public engagement in this process guards against perceptions of self-serving decisions made by county officials.

#6 - The Utah County Board of County Commissioners should educate Utah County voters on the mayor-council form of government and how it holds elected officials accountable, improves representation of all areas and communities within the county, and how the transition will be funded;

Mr. Van Buren wanted the County Commission to know that Council was supportive of the board's recommendation. He called for a vote on the implied motion.

Vote: The motion to approve Resolution 2019-38 passed 5:0 with Council Members Handley, Knecht, Stewart, Van Buren and Winterton in favor. Council Members Harding and Sewell were excused.

After the vote was taken Councilor Winterton asked Mayor Kaufusi if she preferred for this to be a joint resolution of the Council and Mayor. Mayor Kaufusi said her name was already attached to the board's recommendation so she did not think it was necessary but was willing to support the idea.

Brian Jones, Council Attorney, reminded Council that it was already standard practice to have the Mayor sign the signature sheet for every resolution even though it was not required by law. Otherwise, they would need to reconsider the motion and make a substitute motion to change it to a joint resolution. Councilor Winterton was content with the Mayor signing the signature sheet for the resolution and did not move to reconsider the motion.

The resolution stated that it would be transmitted to certain city and county officials. Mr. Strachan suggested that Mayor Kaufusi could draft a cover letter to be included in the transmission.

5. Resolution 2019-40 authorizing submission of a final Urban Deer Control Plan and authorizing the request for the Certificate of Registration ("COR") from the Utah Division of Wildlife Resources. (19-047) ([1:08:56](#))

Motion: An implied motion to adopt Resolution 2019-40 as currently constituted, has been made by council rule.

Camille Williams, Assistant City Attorney, presented. She introduced Wes Alexander, he was a wildlife biologist for the Division of Wildlife Resources (DWR) and had responsibilities related to urban deer plans. He had been a great resource as she navigated the registration process.

Ms. Williams explained that in addition to authorizing the submission of a final plan to the DWR, this resolution also contemplated funding for the program, as well as authorizing a contract with Humphry's Archery to act as the entity to carry out the plan. This plan had differences in methods, results, and risk; Ms. Williams outlined the following differences:

2016-2019

Lethal and Nonlethal

- Archery
- Trap and Translocate

Testing for CWD

- Nonlethal only

Compliant-Based

2019-2022

Lethal Only

- Archery
- Trap and Euthanize
- Extended hours

Testing for CWD

- All Harvested Animals 1 yr. +

Public Safety Focus

Mr. Winterton asked why the plan eliminated trap and translocate. Mr. Alexander explained that DWR had discontinued this portion of the program because of the concern with Chronic Wasting Disease (CWD).

Vice-Chair Van Buren opened the public hearing, there was no response.

Mr. Handley thought it would be helpful for the public to understand the emphasis on public safety. It was a primary concern to understand the potential loss of human life and damage to property that can be caused by urban deer. This resolution would help to reduce the risk. He understood that Provo, and other cities along the Wasatch Front, were on the interaction zone with the wilderness and it was sometimes anticipated that the community should expect to live with the urban deer. This was not a program designed to eliminate the deer population entirely. The impact of the program was also somewhat limited by state and federal policies. It was important to recognize that the community needed to learn how to live with deer and understand that the city had limited authority over the deer population. The program was aimed at reducing risks to public safety and damage to property. Despite the limitations, Mr. Handley thought the program had been effective and he was supportive of the program.

Mr. Knecht asked for the resolution to be displayed and ensure the agreed upon language discussed during their work session had been incorporated. Mr. Jones said the version displayed was now the subject of the implied motion and was slightly different than the version that had been included in the online materials prior to the work meeting.

There was no further council discussion. Vice-Chair Van Buren called for a vote on the implied motion.

Vote: The motion to approve Resolution 2019-40 passed 5:0 with Council Members Handley, Knecht, Stewart, Van Buren and Winterton in favor. Council Members Harding and Sewell were excused.

6. Ordinance 2019-34 amending Provo City Code to establish a Division of Community and Neighborhood Services and Department of Development Services. (19-036) ([1:18:41](#))

Motion: An implied motion to adopt Ordinance 2019-34 as currently constituted, has been made by council rule.

Wayne Parker, Chief Administrative Officer, presented. He explained this would change Title 2 of the Provo City Code: Government Organizations. This would effect the change recommended by Mayor Kaufusi during the budget process to combine Community Development, Redevelopment, and Economic Development and divide them into two different departments.

The new Department of Development Services would consist of Economic Development, the tax increment portion of the Redevelopment Agency, building inspection, and short-range planning. The idea was to provide one Department in which all development review would occur. This department would be responsible for development attraction, financing, reviews, permits, and certificates of occupancy.

The new Community and Neighborhood Services Department would be a reformulated version of Community Development. It would include parking management, the City Ombudsman, zoning enforcement, the federal funding components of the current Redevelopment Agency, and long-range planning. The idea was to separate the development process from long range-planning and neighborhood related programs that are designed to support residents and neighborhoods in the city.

There were other provisions in the code that would need to be reworked to accommodate the new departments. Predominately Titles 14 and 15 would need to be revised, as well as parts of Title 4 which had been discussed in the work meeting earlier in the day. These changes would take place over time as the new department is implemented.

The Council had previously approved budget changes that were necessary for this department. The administration was in the process of selecting a department director. There were 13 finalists who had submitted responses to a supplemental questionnaire. A screening committee had been formed to narrow the selection so that first interviews could take place before a smaller group would be presented to the Mayor for final selection.

Vice-Chair Van Buren opened public comment, there was no response. Mr. Van Buren stated that he was supportive of this change. He called for a vote on the implied motion.

Vote: The motion to approve Ordinance 2019-40 passed 5:0 with Council Members Handley, Knecht, Stewart, Van Buren and Winterton in favor. Council Members Harding and Sewell were excused.

7. Ordinance 2019-35 to amend Provo City Code 14.50(30) to amend the title, purpose, and objectives to the 50 East Project Redevelopment Option Zone. Spring Creek Neighborhood. (PLOTA20190170) (1:24:35)

Motion: An implied motion to adopt Ordinance 2019-35 as currently constituted, has been made by council rule.

Robert Mills, Planner, presented. The applicant requested a zone change to the PRO zone previously titled the 50 East Project Redevelopment Zone. This title referred to a previous project that had been proposed several years earlier. To make the zone relevant to the applicant's project and to make it possible to replicate the zone for other projects, the applicant proposed renaming the zone the Entry-Level Housing Project Redevelopment Zone. Additionally, they requested to amend the purpose and objectives that apply to this type of housing. This would also add a permitted use of single-family dwellings attached; this was the type of unit that would be proposed for this project. The Planning Commission recommended approval.

Vice-Chair Van Buren invited the applicant, Brady Deucher, to speak to comment, he had nothing to add. He invited the Neighborhood Chair, Mary Millar, to address Council. Ms. Millar noted there had not been a neighborhood meeting, but she was not sure the meeting was necessary due to the development agreement the applicant planned to proffer. The neighborhood requested the project to be named Spring Creek, not Slate Creek. She hoped someone would take the time to review all legal documentation and make sure this change is applied.

Mr. Jones explained that two weeks earlier the Council approved Ordinance 2019-33 that purported to rezone the property to be the Entry-Level Housing Project Redevelopment Zone, but the zone did not exist and would not exist unless this text amendment is approved. He recommended that Mayor Kaufusi should not sign Ordinance 2019-33 until this amendment is approved so that this becomes legally effective first.

Council was under the impression that Ordinance 2019-33 required a development agreement to be executed before the zone would go into effect. Mr. Jones said the ordinance did not mention the development agreement. The ordinance that was passed approved the rezone without a development agreement and would implement the new zone as soon as it goes into effect which would be when the Mayor signs it or by the 17th day of July which was 15 days after it had been presented to the Mayor for approval. Council could hold a special meeting prior to July 17 to reconsider or undo this action. Mr. Jones suggested another option would be to ask the Mayor not to sign the rezone until the development

agreement is signed but this would need happen before July 17. Bill Peperone, Assistant Community Development Director, said he was confident the agreement would be signed the very next day. It was important for the agreement to be signed because the rezone without the agreement would allow for more density and less parking than the City had agreed to.

There was no further discussion. Vice-Chair Van Buren called for a vote on the implied motion.

Vote: The motion to approve Ordinance 2019-40 passed 5:0 with Council Members Handley, Knecht, Stewart, Van Buren and Winterton in favor. Council Members Harding and Sewell were excused.

8. *****CONTINUED*** An ordinance amending the General Plan designation from Public Facilities (PF) to Residential (R) for approx 0.78 acres of real property generally located at 862 E Quail Valley Drive. Edgemont Neighborhood. (PLGPA20190009)**
9. *****CONTINUED*** An ordinance amending the Zone Map classification of approx 0.78 acres of real property, generally located at 862 East Quail Valley Drive, from Public Facilities (PF) Low Density Residential (LDR). Edgemont Neighborhood. (PLRZ20180430)**
10. *****CONTINUED*** An ordinance amending Provo City Code Section 14.34.285 regarding the design standards for buildings in the Campus Mixed Use Zone. City-wide application. (PLOTA20190025)**

Adjournment

The meeting was adjourned by unanimous consent at approximately 7:07 p.m.