



PROVO MUNICIPAL COUNCIL Work Meeting Minutes

1:00 PM, Tuesday, May 21, 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 at the meeting:

Council Chair David Harding, conducting
Council Vice-chair Kay Van Buren
Councilor Gary Winterton
Councilor David Sewell
Councilor David Knecht
Councilor George Stewart
Councilor George Handley
Mayor Michelle Kaufusi

Prayer

The prayer was given by Wayne Parker, Chief Administrative Officer.

Business

1. A presentation regarding the Municipal Wastewater Planning Program Annual Report. (19-064) ([0:04:33](#))

Rebecca Andrus, Engineer, provided background information on the report, which is required by the State to ensure that disposal of wastewater is managed according to the State standards and discharge permitting process. The Sewer System Management Plan and System Evaluation and Capacity Assurance Program (SECAP) documents are required elements of the report. Ms. Andrus acknowledged that the Council has supported Public Works in adjusting sewer rates to more accurately reflect the costs associated with the system. The 2018 report did not reflect the full impact of these changes, as the rate adjustments were still in progress.

Ms. Andrus highlighted several sections of the report and responded to questions from Councilors. Regarding the sewer system obstruction statistics, Provo did not have any class 1 overflows in the main lines system in the City, which was excellent. Despite the age of the water reclamation facility, Public Works was well in compliance with the permit requirements. As part of the SECAP document, the Water Resources staff completed a wastewater flow capacity study. Ms. Andrus highlighted several details of the existing sewer capacity map of the city.

Councilor David Knecht asked about sump pumps and how the City evaluated the impacts of

those pumps. Ms. Andrus explained that the study examined whether sites within the system had experienced direct inflow or indirect inflow, which can distinguish between the inflow impacts of a rainstorm versus those of a sump pump in a residence. Ms. Andrus highlighted other methodology that the Water Resources staff employ to make similar assessments.

Councilor David Harding asked about the impacts of previously low utility rates to the incidence of overflows in the wastewater system. Ms. Andrus indicated that the reporting requirement was not in place until 2012, with a compliance period of several years; the City's first report was filed in 2015. The City had some data from before the requirement was put in place and by this estimate, the City's sewer service has improved. Mr. Harding asked additional questions about the cost assessments presented earlier in the slideshow. The sinking fund question has not yet been established, but it has been planned in the next several years in the Capital Improvement Plan (CIP). As far as a CIP reserve fund, the actual reserve fund has not yet been put in place.

Ms. Andrus also answered a question from Mr. Harding regarding the total cost for a replacement system. In the master plan, the consultants had estimated a \$2.5 million cost for 50 years to do a total system replacement. The total figure has fluctuated somewhat, which is why there was not a firm response to this item in the report; as Public Works continues to update the master plan, this figure will be refined. Councilor Gary Winterton also asked a question regarding spring runoff; Gary Calder, Water Resources Division Director, expressed that the cooler spring has lengthened the period of time when runoff is typically occurring. ***Presentation only. This item was already scheduled for the Council Meeting on May 21, 2019.***

2. A presentation on the Parks and Recreation Department and potential budget impacts. (19-004) ([0:26:23](#))

Scott Henderson, Parks and Recreation Director, presented. Mr. Henderson shared an overview of his presentation and invited his associates to present on elements related to their operations.

Bryce Merrill, Recreation Center Manager, and Mr. Henderson highlighted recent successes for the Recreation Center and recreation programming in Provo City, including:

- Membership and admissions constitute 93% of their revenues.
- The Triple Play program has resulted in continued increase in memberships; they have seen approximately a 2.2% increase year over year in membership, with a slight drop in daily passes. This is in part due to the recent opening of the Springville Recreation Center.
- Higher overall member counts and higher daily total traffic.
- Triple Play allows recreation center members to use services at the Seven Peaks Ice Arena and East Bay Golf Course for free or for a reduced rate. The two other facilities have seen approximately 73,000 recreation center visits in the first year of the Triple Play program.
- Despite losing some Springville and Spanish Fork users, there has been an 800-resident-member increase, which is the largest year-over-year increase the Recreation Center has seen. Parks and Recreation feels this is a success toward their most important mission of connecting with Provo residents.
- Overview of added amenities and revenue opportunities at various facilities
- Facility improvements to create a consistent patron experience between facilities
- Senior and student passes and programming

Mr. Henderson shared other budget highlights for the upcoming fiscal year:

- The only budget supplemental request was the remaining half of funding for the quarterly activity guide, which has been the top marketing success for informing and educating the public about the Parks and Recreation Department's programs. A potential revenue source to fund this request is the revenue from cell towers located in City parks.
- Spring Creek Park and related operations expansion
- Seven Peaks Ice Arena lobby redesign
- East Bay Golf Course redesign in conjunction with the medical school development
- Potential impacts to the Covey Center during city hall and public facilities construction
- Regional Sports Park development
- Provo River Trail improvements (RAP-tax funded)
- Unlimited play center (RAP tax and CDBG funds) at North Park, which would introduce a playground and space for children of all abilities

Councilors shared comments on the Parks and Recreation Department's programs and successes. Councilor Gary Winterton asked how often the department evaluated their fees and he asked for additional clarification on their finances. Wayne Parker, CAO, explained that the recreation center bond was on a property-tax-based repayment schedule and therefore it was appropriate for the recreation center operations to be a part of the General Fund. Mr. Parker clarified that there would be concerns if the recreation center were being used for income-generating purposes outside of its normal purpose; because all the programs offered by the recreation center were public services, there were not any issues with the programming run by Parks and Recreation. Councilor David Harding asked about market studies/rates for recreation center passes. Staff explained that there was a 20-25% differential between Provo residents and non-residents; since non-residents did not contribute via the property tax bond, there was a marginal increase to their overall membership rate. For senior and adaptive programming, non-residents can participate, but had to pay a non-resident fee. **Presentation only.**

3. A presentation on the Human Resources Department and potential budget impacts. (19-004) ([1:03:56](#))

Daniel Softley, Human Resources Division Director, presented. Mr. Softley highlighted elements of the Human Resources budget, noting that wages were a significant factor in the budget, accounting for \$40.4 million of the total for full-time wages. This figure includes the 2.5% annual merit increase for eligible full-time employees, as well as the means to implement changes resulting from the annual pay grade study.

Mr. Softley highlighted other elements of the HR budget, including:

- Career series advancement
- Continued funding of retirement programs and 2% 401k match
- Budgeted increase to health insurance in line with the Milliman Medical Index (Mr. Softley clarified that the total budgeted \$13.5 million included enterprise fund employees)
- New Accidental Death and Dismemberment (AD&D) coverage, with additional coverage for public safety employees for line-of-duty accidents
- Workers compensation and added safety efforts with reporting and modified duty
- Funded new Full-Time Employees positions in the Police Department

- Programs and policies including educational assistance, employee recognition, service awards, annual sick leave buyout, proposed changes to accrual policies (front-loading of sick and vacation accruals for new employees), and a new parental leave program

Mr. Softley responded to questions from Councilors. Regarding a question from Councilor David Knecht, Mr. Softley provided information about how pay ranges and grades work and how the rate study impacts these. Councilor George Handley asked about the various tiers of the Utah Retirement System, which Mr. Softley explained in more detail. Mr. Softley shared details about the program and policy changes, noting that Mayor Michelle Kaufusi and the City Administration have been very supportive of efforts such as the new parental leave. ***Presentation only.***

4. A presentation regarding an appropriation of \$119,238 in the Airport Fund and \$775,000 in the Water Resources Fund, applying to fiscal year ending June 30, 2019. (19-061) ([1:24:08](#))

Jimmy McKnight, Public Works Financial Analyst, presented on these appropriations for the current fiscal year:

- \$119,238 in the Airport Fund
 - \$98,238 airport revenue bond interest for the Duncan Aviation project
 - This was planned for, but inadvertently omitted in the approved budget.
 - \$21,000 appropriated from fund balance to replace airport security fencing after construction of the UVU parking lot
- \$775,000 in the Water Resources Fund
 - \$75,000 appropriated from fund balance for airport contract services
 - \$200,000 for well development
 - \$500,000 for aquifer storage and recovery studies (phase 1 of ASR projects)

Mr. McKnight explained that the Water Resources division had received higher than anticipated revenues, resulting in a higher fund balance. Public Works uses conservative estimates in projecting revenues, as weather and other factors can impact usage and can result in reduced revenue. Mr. McKnight also highlighted an item which was scheduled for the Council Meeting that evening regarding a principal interest payment for stormwater. ***Presentation only. This item was already scheduled for the Council Meeting on May 21, 2019.***

5. A presentation regarding code enforcement. (19-065) ([1:31:40](#))

Carrie Walls, Zoning Administrator, outlined the areas of enforcement and provided information about rates of different types of enforcement for the last three years and year-to-date information for 2019. Ms. Walls felt that rates of occupancy compliance was an indication that implementation of the rental and disclosure document has been effective. Ms. Walls also highlighted improvements with the code enforcement officers with their newly instituted uniforms. The Zoning division has also worked to create a database of abandoned or vacant properties in conjunction with the Community-Oriented Policing and Customer Service departments. This has been an effective tool to allow COP officers to monitor the security of such properties from vandalism or squatters. It has also allowed Zoning to oversee overall maintenance of the property if there is an absentee property owner. They intend to continue such collaborative efforts across departments.

Ms. Walls shared details on a recent initiative to improve the quality of rental properties in the city. The Leisure Village mobile home park, off Geneva Road and close to the Provo River, is the first area of focus. The Zoning division will work their way through that mobile home park to ensure whether or not housing units are in violation of zoning codes and to help improve the quality of life for the residents there. Most of the mobile home parks are not in the best condition, while some are in good condition. They hope to improve the overall quality of life in these areas, and to establish standards for the tenants and property owners to understand. There has been a lot of police activity in the Leisure Village area, as well as illegal activities such as people living in sheds; by focusing on this area, Ms. Walls hopes they can encourage residents, tenants, and owners to improve the general standard in the mobile home park.

Councilors discussed code enforcement efforts, sharing comments and asking questions, including:

- Councilor Gary Winterton complimented the zoning staff on their understanding approach to individual circumstances. He felt this went a long way in fostering trust with residents.
- In response to a question from Mr. Winterton, Ms. Walls highlighted some resources such as Redevelopment Agency funds available to owner-occupants, Habitat for Humanity's mobile tool shed, and neighborhood opportunities to participate in cleanup projects. Ms. Walls emphasized that her staff's number one goal was compliance, but that they work to assist and guide residents as best they can to resources and other people or organizations who can help them to reach a state of compliance.
- Several Councilors asked about turnover of enforcement staff and whether salary was a factor. Ms. Walls explained that a higher salary may have influenced some staff, but she explained that the nature of the work was often thankless and therefore had a lot of turnover. On good days, it can be very rewarding work based on positive interactions with the public and residents who zoning staff have been able to help. Councilors George Stewart and David Sewell specifically expressed support of exploring a plan to promote tenure and longevity (compensation and other factors).
- Mr. Winterton asked about anonymous reporting of zoning issues. Ms. Walls and Gary McGinn, Community Development Director, explained how the ability to report complaints anonymously assisted the Zoning division's effectiveness. Brian Jones, Council Attorney, explained that typically prosecution was based on the report and research of the code compliance officers. The accused had a right to know who was reporting the accusation; if zoning officers could not corroborate the existence of a violation, then information may be needed from the complainant's account to proceed with prosecution. Mr. McGinn explained that many violations are only discovered through an anonymous report to Zoning.
- Councilor David Harding expressed that the end goal for adding more zoning officers was to encourage greater degrees of compliance. Ms. Walls explained how a higher level of staffing allowed them to increase outreach and informational efforts to educate the public.
- Councilor David Knecht noted that the Council wanted to conduct a housing audit, which would be an advantageous tool in identifying owner-occupied versus rental units.
- Mr. Harding observed that the City's ability to maintain compliance in the community was connected to the effectiveness of the City in addressing affordable housing. Mr. Harding shared feedback on the public expectations from the Zoning division and how to build trust both with residents submitting complaints and those working toward reaching compliance.
- Councilor George Stewart observed the shift in dynamic that occurred after recent outreach efforts; it seemed that the public was much more engaged in voluntary compliance.

Ms. Walls explained that they were transitioning to using ‘code compliance officers’; they felt that compliance has a more positive connotation than enforcement and she hoped that residents had positive experiences with the Zoning division. Ms. Walls also expressed the need and desire to hire code compliance officers who speak Spanish. Overall, Ms. Walls felt that continuity in staffing would be the most helpful overall for their continued success, but that staffing was harder to control and anticipate. Staff are currently stretched thin covering the caseload of the two vacant positions. Ms. Walls also highlighted some additional changes she would like to see, including expanded certification and training for code officers and some adjustments in the city code to make various provisions more objective for enforcement purposes. Mr. McGinn explained that as the Zoning division has become more involved with licensing, it has shifted the landscape of their hiring process due to the change to job requirements; a large part of what Zoning staff do involves researching property uses, land uses, and licensing requirements. **Presentation only.**

6. A presentation regarding the implementation of the General Plan. (19-066) (2:51:18)

Cliff Strachan, Council Executive Director, presented. Mr. Strachan thanked Rachel Woerner, Council Intern, and Hannah Salzl, Policy Analyst, who have completed much of the work to prepare this review and evaluation. Mr. Strachan noted that this was the first comprehensive review of all the implementation steps. Of the implementation steps, 28 items were completed, 345 were ongoing, 13 were currently in progress, and 34 items were not yet started. Mr. Strachan noted that there were budget implications for different projects and different implementation steps; some that have not been started may be addressed in future budget proposals. Mr. Strachan highlighted notes for goals which were categorized as not started. Mr. Strachan also expressed appreciation to the Administration and department directors for their cooperation and assistance in conducting this review; it was a lengthy process and they have made a great team effort. **Presentation only.**

Policy Items Referred from the Planning Commission

7. A discussion regarding the adoption of a Supplementary Residential (S) Overlay Zone in a One-Family Residential (R1.8) Zone located at approximately 244 E 2100 N. Pleasant View Neighborhood. (PLRZ20190094) (3:04:16)

Dustin Wright, Planner, presented on this request for an overlay zone for 32 homes in the Pleasant View Neighborhood. The Planning Commission recommended approval.

Councilor Gary Winterton expressed that he was generally supportive of the proposed change, but he was concerned about the potential to create non-conforming uses with the probable changes and recommendations coming forward from the Housing Committee regarding the A and S overlay. Brian Jones, Council Attorney, clarified that the changes to the Rental Dwelling License process would not be impacted by a non-conforming use status; it was a licensing requirement that would be required of any rental. Several other Councilors asked questions regarding the pending legislation with the A and S overlay and Mr. Jones elaborated on considerations with the timing of the other changes. Several Councilors asked questions and shared comments about parking. Mr. Jones clarified that an accessory dwelling unit can only have 2 people under the new legislation, unless they could identify that there was sufficient required parking for 4 people.

Councilor George Handley shared a concern from Rachel Luke, Rock Canyon Neighborhood Chair, regarding parking on 2320 North. Mr. Handley didn't know whether this specific proposal would impact 2320 North, but he wanted to acknowledge Ms. Luke's concerns and ask to the degree that the Council felt those concerns were legitimate, what should be done to rectify them. Councilors David Knecht and David Sewell felt that it could be a good opportunity to address the ongoing concerns on 2320 North. Mr. Sewell felt, however, with the majority of homes in the affected area of the Pleasant View Neighborhood in support, it was important not to delay. Councilor David Harding echoed concerns about the parking and traffic on 2320 North. Councilors discussed several ideas for mitigating the ongoing concerns, but noted that exploring a viable solution would likely take more time. Mr. Winterton noted that this item was scheduled at the Council Meeting that evening and he wondered whether it should be continued.

Motion: George Stewart moved (a) to continue that hearing of this item, with Council Chair David Harding announcing before the Council Meeting public comment period that the item has been continued; (b) to take public comment as part of the presentation for item 13 on the Council Meeting agenda; and (c) to indicate that when the item comes back to a future Council Meeting there will be a full opportunity to participate in the public hearing process. Seconded by David Knecht.

Vote: Approved 7:0.

8. A discussion regarding a General Plan amendment to add the Utah Transit Authority Station Area Plan to the Downtown Master Plan as an appendix. City-wide impact. (PLGPA20190059) (3:34:45)

Javin Weaver, Planner, presented. Mr. Weaver explained that when the Downtown Master Plan had been adopted several years ago, it had referenced transit-oriented areas. Mr. Weaver shared elements of the UTA Station Area Plan, which showed a concept plan and site diagram for a potential 20-year build-out. Councilors shared comments and asked questions. Several Councilors expressed concern about owner-occupancy in the area and whether the ITOD zone should be adjusted to require some kind of permanent residency. Councilor David Harding noted that perhaps that should be addressed separately; he felt that including this plan as a component of the Downtown Master Plan would help communicate to developers what the City hopes to see in the area. *Presentation only. This item was already scheduled for the Council Meeting on May 21, 2019.*

9. A discussion regarding a zone change from Regional Shopping (SC3) to Health Care Facilities Zone (HCF) for 22.12 acres, and to Campus Mixed Use (CMU) for 8.94 acres, located at 178 E 1860 S. East Bay Neighborhood. (PLRZ20180321) (3:42:06)

Josh Yost, Planner, presented. This zone change has been requested to facilitate the development of the medical school in East Bay, which follows on the heels of a General Plan amendment which was previously approved by the Council. Mr. Yost said that one Planning Commissioner had expressed concern about the designation for housing in the area; specifically, their concerns stemmed from the amount of rental housing being developed in the City and whether this specific site were a suitable location for housing, due to the seeming isolation from amenities, daily needs, and the lack of proximity to other residences. Besides this concern, the proposal received an otherwise positive recommendation from the Planning Commission.

Councilors asked additional questions about the proposal and shared comments, including:

- Councilor Gary Winterton asked about drainage and sewer issues with the property. Mr. Yost indicated that the developer has proffered a development agreement to formalize their commitment to handle the required infrastructure improvements. There were some significant on- and off-site utility demands that would need to be constructed, having not been originally contemplated for this area.
- Councilor David Harding acknowledged the concerns raised by the Planning Commissioner regarding the suitability of the area for housing. Mr. Harding felt that the City should be careful about creating pockets or islands of residential areas, where nothing in the surrounding area was intended or designed for residential use. Mr. Harding felt that this situation was different, as it was student housing located next to the school. With the proximity to UVX, residents could be connected to the needed goods and services. He was concerned, though, if other residents chose to live there if not associated with the school. He was confident that the operators of the medical school would maintain a high caliber of housing, as it served as a gateway to their medical school.
- Mr. Winterton asked about the density. Mr. Yost explained that the developer has made changes to the proposal consistent with forthcoming changes to the Campus Mixed Use zone. The density would have a feel similar to that of Joaquin Village and Liberty Place.

Presentation only. This item was already scheduled for the Council Meeting on May 21, 2019.

10. A discussion on a zone change request from One-Family Residential (R1.10) to Light Manufacturing (M1) for approximately 7.7 acres of land located at approximately 1060 E 1320 S. Spring Creek Neighborhood. (PLRZ20190117) ([3:51:02](#))

Dustin Wright, Planner, presented. The property in question was subdivided from the Pro-Steel property. The Southeast Area Neighborhood Plan suggests medium-density residential as the goal in this area and the City rezoned the property from M1 to R1.10 to preserve residential uses until a plan for medium-density residential was submitted. The applicant has requested to change it back to M1, but does not yet have a project plan proposal. Staff felt that the proposal was not consistent with the neighborhood plan and the Planning Commission has recommended denial. Councilor David Knecht shared insight from the neighborhood meeting; the applicant has made this request at a previous time and the Council denied the request before. ***Presentation only.***

This item was already scheduled for the Council Meeting on May 21, 2019.

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. ***None requested.***

Adjournment

Adjourned by unanimous consent.