



PROVO MUNICIPAL COUNCIL

Redevelopment Agency of Provo

Regular Meeting Minutes

5:30 PM, Tuesday, January 08, 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 David Harding

Council Member David Sewell

Council Member George Handley

Council Member Vernon K. Van Buren

CAO Wayne Parker

Council Executive Director Cliff Strachan

Council Member David Knecht

Council Member Gary Winterton

Council Member George Stewart

Mayor Michelle Kaufusi (5:36 p.m.)

Council Attorney Brian Jones

Conducting: Council Chair Gary Winterton

Prayer

Wayne Parker

Pledge of Allegiance

Provo City Fire Chief James Miguel

[\(0:05:40\)](#)

Prior to Council business, Council Chair Winterton took a moment to express sympathy to the family of Master Officer Joseph Shiners. He read the following statement:

On the evening of Saturday, January 5, Officer Joseph Shinnars of the Provo City Police Department was tragically killed in the line of duty. It is the first homicide of a Provo City Police officer since 1890 and the first line of duty death in the nation this year.

Our hearts are heavy tonight with the loss of Officer Shinnars. In the hours since his tragic death, we have heard many stories of this great man. It is clear that he was devoted to service in every area of his life and was loved by all. His three years of service to our police department made a big impact and we support Chief Ferguson in posthumously promoting Officer Shinnars to Master Officer.

We extend our deepest sympathies to his family, especially his wife Kaylyn and his son Logan. No words we could say will ever be enough, but we want them to know that we do love them and they are in our prayers.

Our police officers and their spouses are grieving at this terrible loss. They are family, too. All of us here have the highest respect for our police department. We are so grateful for them and for the difficult work that they do, for the sacrifices they make to keep our community safe. We have been fortunate in Provo

to have these types of events be very rare, but even one is way too many. We will never forget this tremendous sacrifice that each one of you make for us. Thank you!

To everyone who has stepped up to help and show support, we thank you also. There will be a vigil tomorrow night at 7 pm in front of the police headquarters. We also invite the community to bid farewell to Officer Shinnars on Saturday. His funeral will be at 11 am at the Utah Valley University UCCU Center.

Afterward, there will be a procession to his final resting place in Mapleton. We encourage everyone who is able to line the streets and line the route of this procession. More details of the route will be posted on our Facebook page as it becomes more secure.

We appreciate all of you being here. We appreciate the support of the community. This is hard on our community and we will get through this. We will become stronger because of this. We be closer together and we're grateful for each of you who continue forward.

Next, Mayor Michelle Kaufusi stated the following:

What a good man Officer Joseph Shinnars was. He was someone who brightened people's days.

Throughout his life, he was esteemed by his peers and by those who mentored him—whether it was his high school soccer coach, or his leaders on the police force.

There have been many red eyes among his police colleagues over the last few days. To me, the tears are evidence of the tender bond these officers feel for Joe and his family.

Joe lived his values. He set aside other pursuits to serve a mission in El Salvador. He married his sweetheart, Kaylyn. He was a devoted dad to their young son.

He obtained an education, with the goal of becoming a public servant. And in his career, he exemplified the real meaning of that phrase: "public servant."

Let me repeat a story you may have heard from Chief Ferguson. Officer Shinnars had arrested a man and was about to take him into custody. He asked the man if he needed anything. The man apparently looked at Joe and said he needed a hug. Joe honored his request. My question is: would the arrested man have asked for a hug from just anyone? We'll never know for sure, but I like to think that the man sensed the same thing that our whole community is coming to sense: that there was something special about Officer Joseph Shinnars.

Chair Winterton asked staff and the audience to join the Council and Mayor in a standing moment of silence in recognition of Master Officer Joseph Shinnars.

Approval of Minutes ([0:13:36](#))

- 1. Approval of the Minutes for the November 13, 2018 Council Meeting**
- 2. Approval of Minutes for the November 20, 2018 Board of Canvassers Meeting**
- 3. Approval of the Minutes for the December 11, 2018 Council Meeting**

The minutes were approved by unanimous consent.

Presentations, Proclamations, and Awards

Please note, some items were not presented in the order they were displayed on the agenda. The number next to the item description represents the placement on the agenda.

5. A presentation of the Popular Annual Financial Report. (19-007) (0:14:12)

Dustin Grabau, Budget Officer, presented the Popular Annual Financial Report (PAFR) and explained that the abbreviated document contained the same information as the Comprehensive Annual Financial Report (CAFR) but was presented in an easier to read format. This report was a good starting point for those wanting to learn more about the City's budget. Additional details could be found in the CAFR. Both reports were available online at provo.org.

Kelsey Zarbock, Budget Analyst, called attention to several sections that could be of interest to the public:

- Significant Events (page 5)
- Where the Money Goes (page 9)
- General Fund Balance (page 10)
- Property Tax Summary (page 12)

Mr. Sewell thanked Finance Staff for their excellent work on this report. He noted that an award from the Government Finance Officers Association (GFOA) had received for the 2017 CAFR. Ms. Zarbock said they were hoping to receive the award again this year.

Public Comment (0:20:12)

Chair Winterton opened public comment, there was no response.

Action Agenda

6. The election of Municipal Council officers; chair and vice-chair. (19-001) (0:21:34)

Mr. Stewart nominated David Harding for Council Chair. There were no other nominations. Mr. Winterton called for a vote on the nomination.

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

Mr. Sewell nominated Mr. Van Buren for Vice-Chair. There were no other nominations. Mr. Winterton called for a vote on the nomination.

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

7. A Resolution 2019-01 acknowledging the election of the Chair and Vice-chair of the Provo Municipal Council for calendar year 2019. (19-001) ([0:23:20](#))

Motion: An implied motion to approve Resolution 2019-01, as currently constituted, has been made by Council rule.

Mr. Winterton called for a vote on the implied motion acknowledging the election of Mr. Harding as Council Chair and Mr. Van Buren as Vice-Chair.

Roll Call Vote: Resolution 2019-01 was approved 7:0 with Council Members Handley, Harding, Knecht, Sewell, Stewart, Van Buren, and Winterton in favor.

The Councilors exchanged seats and newly elected Council Chair Harding presided over the remainder of the meeting. Mr. Harding committed that he and Mr. Van Buren would do their best to serve the council to the best of their abilities.

Mr. Sewell expressed appreciation to former Chair Winterton and Vice-Chair Harding. He said the previous year was smooth and he attributed this to their excellent service. Mr. Stewart seconded this sentiment and added this had been his best year on the Council. Mr. Winterton and Mr. Handley also agreed.

4. A presentation of gifts to the outgoing Council Chair and Vice Chair. ([0:27:15](#))

In recognition of their service, Mr. Strachan presented former Chair Winterton and Vice-Chair Winterton with a framed photo.

Mr. Winterton said the people he served with made the experience special. He was very thankful for the opportunity to get to know each of the councilors. Mr. Winterton commented on their remarkable work ethic, friendship, and shared service.

Adjourn as the Municipal Council and convene as the Redevelopment Agency of Provo by unanimous consent.

Redevelopment Agency of Provo

8. The election of Redevelopment Agency of Provo officers; chair and vice-chair. (19-001) ([0:31:17](#))

Redevelopment Agency Chair Knecht called for nominations for the new Chair. Mr. Harding nominated Mr. Knecht to serve as chair another year. There were no other nominations, Mr. Knecht called for a vote on the nomination.

Roll Call Vote: The nomination was approved 7:0 with Board Members Handley, Harding, Knecht, Sewell, Stewart, Van Buren, and Winterton in favor.

Chair Knecht called for nominations for a Vice-Chair of the RDA. Mr. Stewart nominated Mr. Handley. There were no other nominations. Chair Knecht called for a vote on the nomination.

Roll Call Vote: The nomination was approved 7:0 with Board Members Handley, Harding, Knecht, Sewell, Stewart, Van Buren, and Winterton in favor.

9. Resolution 2019-RDA-01-08-1 acknowledging the appointment of the Chair and Vice-Chair of the Redevelopment Agency of Provo City for calendar year 2019. (19-001)
[\(0:32:28\)](#)

Motion: An implied motion to approve Resolution 2019-RDA-01-08-1, as currently constituted, has been made by Council rule.

RDA Chair Knecht called for a vote on the resolution appointing himself as RDA Chair and Mr. Handley as Vice-Chair.

Roll Call Vote: Resolution 2019-RDA-01-08-1 was approved 7:0 with Board Members Handley, Harding, Knecht, Sewell, Stewart, Van Buren, and Winterton in favor.

Mr. Harding thanked the outgoing RDA Chair and Vice-Chair for their service and leadership of the RDA board. To the incoming Chair and Vice Chair he offered thanks for their willingness to serve.

By common consent, adjourn as the Redevelopment Agency and reconvene as the Municipal Council.

Action Agenda

Chair Harding received a note indicating that several citizens missed the opportunity to speak during public comment. He asked if any Council Member would object to reopening public comment, there were no objections. Chair Harding reopened public comment.

Public Comment (Reopened) [\(0:34:20\)](#)

Alex Martinez and Francesca Lopez were both residents of Provo. They were representatives of a student-led rally called Women's Wave Rally Provo. Ms. Martinez read their mission statement. They informed Council of their event to be held on January 19, 2019 and invited them to attend.

There were no other comments from the public. Chair Harding closed public comment.

10. Resolution 2018-02 of intent to establish a permit parking program in the Pleasant View Neighborhood. (18-086) [\(0:37:19\)](#)

Motion: An implied motion to approve Resolution 2018-02, as currently constituted, has been made by Council rule.

Bryce Mumford, Council Policy Analyst, presented on behalf of the Parking Coordinator, Austin Taylor, who had a previous commitment. The designation process for a parking permit area was dictated by Provo City Code 9.80.070. In September 2018 there had been a public hearing to gauge the level of interest in a parking permit program in the Pleasant View Neighborhood. Although a program in this

area was established in 2004, it was never formally codified. If approved, this would codify the original program and expand the boundaries. He displayed a map to show the proposed boundaries.

Mr. Mumford reviewed the proposed conditions:

- Vehicles cannot be parked on the street for more than two hours from 7 a.m. to 4 p.m. within the proposed permit area, except by permit.
- Vehicles shall not park on the east side of 650 East because the street is too narrow to allow for parking on both sides of the road.
- A fee of \$15 would be required to obtain a permit.
- The permit would be issued by license plate number and enforcement would occur regularly via license plate reader.
- The program would be effective immediately.

Mr. Mumford explained that on September 11, 2018 the Council held a public hearing to gauge interest in the program. They determined there was sufficient interest and they forwarded the matter to the Parking Committee. The Committee had 90 days to review the proposal and provide a recommendation to the Council. Their recommendation was included in the council materials. The action before the Council was a resolution of intent. The first of two required public hearings was tentatively scheduled for February 5, 2019.

Mr. Stewart suggested that clarifying language should be added to specify that the permits were only available to residents of the area. Mr. Mumford agreed with the suggestion.

Mr. Jones explained the original permit program was implemented under a different section of the code that no longer existed. It also had a different designation process. At the time the original permit area was approved, applications for a permit area were received by the mayor, who then directed that a study be conducted, and a recommendation made to council about whether or not the area should be approved. The permit area was then approved by resolution, but this did not create a codified law. Since then, the code had been changed to say parking permit areas were created by ordinance. He recommended that if they decide to expand the area, they should do so by passing an ordinance to codify the entire area, including the original area. Lastly, Mr. Jones cautioned that by putting this into code, the area would be regularly enforced by law enforcement; it would no longer be at the request of the residents as it had been in the past.

Mr. Van Buren asked for an explanation of the map Mr. Mumford had displayed. They discussed where the original boundaries were and what new streets were being proposed.

Mr. Winterton asked if this would be enforced during special events at BYU. Mr. Mumford was not certain. Mr. Jones said this was another item that could be addressed in the code. Mr. Winterton wanted to understand the intent of the neighborhood.

Chair Harding questioned the legitimacy of the first step taken many years ago to create the initial area. Mr. Jones explained that when the area was initially created, it was done in accordance with the process at the time. He said it would be fine to move the entire process forward with the new area, as long as the noticing included the entire area, not just the new area. Additionally, the language needed to be sent to residents of the entire area, not just the expansion area.

Mr. Harding was concerned that the parking committee proposal was somewhat at odds with what was requested by the neighborhood. For example, the intent of the committee to enforce regularly was not what the neighbors had requested. Mr. Jones thought this was a valid point. One option was to declare intent to put a plan in place, pending a plan from staff that would then be noticed appropriately, along with the required public hearings. If public feedback inspired any changes, then council could direct staff to make those changes before it was formally approved. The second option was to pass a resolution of intent after staff had presented council with agreeable code language; the resolution of intent would be based upon that specific language.

Mr. Strachan explained that Paul Evans, the applicant, was unable to attend but had sent an email to council. He read from the email:

“First, thank you to the council and city staff who have worked to bring the Pleasant View Neighborhood Parking Program to this point in the process. There are 5 major steps that need to occur as detailed (kind of) in code. Tonight, Tuesday 8 January, the council will determine if step 3, a resolution of intent [to consider a permit parking program some time in the future and only after public notice and mailings to property owners] should be passed.

The process is complicated by the existence of the Pleasant View Neighborhood Permit Parking Program that was enacted by the Municipal Council in 2004 by resolution 85 under a previous version of code. This complication has been known since the first communications in August 2018. Since the action by the council in September 2018 on the expansion of the program there has been no discussion on the language that should codify the permit parking program under 2019 code, and, there has been one phone call (yesterday 7 January 2019) about a need to include the existing program under the new code.

In the next month(s), if staff are ready, I believe these issues can all be addressed and resolved before coming back to the council for review and possible final approval. We have waited for the maximum proscribed days for review of the proposed program before coming back to the council, as tonight, for a resolution to further proceed. Please pass a resolution of intent and let the neighborhood move forward to the next steps. Otherwise, we will be no closer to a program than we were in September 2018.

Whatever the concerns or issue, they all must be resolved before coming back to the council in step 5. Stating the issues in the resolution will help to identify what must be addressed so that we are able come back with a unified code language and all mailings and all public meetings completed.”

Chair Harding opened public comment, beginning with neighborhood representatives.

Rich Ziggler was one of six co-chairs of the Pleasant View Neighborhood. He said most events took place outside the Monday to Friday 7 a.m. to 4 p.m. window that was designated for the program. However, he thought that events should be an exception to the rule. He said that recently no one had been able to purchase a permit because the parking office was no longer issuing the stickers for the area. The signs that had been installed were already accomplishing the goals of the program in the original area. He said they generally self-enforce and look out for one another. The signs were just a deterrent for the outsiders coming in. They strived to be good neighbors to those around them, but they felt their institutional neighbor (BYU) had not communicated parking expectations with their staff and students. He reminded Council that all of the neighbors in the expansion area had signed a petition in support of the program. He was hopeful that Council would pass a resolution of intent.

Mr. Harding asked Mr. Ziggler what was meant by making exceptions for large events. Mr. Ziggler acknowledged the term “big event” was ambiguous and could be worked out in the code. BYU had been good to put out signs saying where people could and could not park, this had helped. He just hoped this was something that would be discussed when drafting the code language.

Chair Harding opened public comment to everyone else.

Jaelyn Evans, Provo, thanked the Council for their service to the community. She said it was not their intent to limit parking at BYU for events. According to Ms. Evans most events happen before 4 p.m., neighbors just plan their day around the events. They were looking to solve an everyday problem with the students and employees parking in their neighborhood. Implementing the original permit program helped make their neighborhood easier to navigate. She asked council to continue the discussion.

Pam Jones, Provo, said it was difficult to park on Andrus Lane because of the narrow streets. She understood why the residents would want the restrictions. She questioned the fee for the permit and wondered if this covered the expense of the signs. Mr. Parker responded that when the permit parking was codified in 2005-2006, one of the feelings was that the tax payers should not pay for the program because it restricted their right to a public street. The fee was calculated based upon the cost of installing and maintaining signs. They never attempted to recover the cost of printing the permit, it was more about the signage. Ms. Jones noted there were three entrances to these streets, she wanted to know how much it costs for a sign. Mr. Parker said it was about \$300 per sign. It was clarified that the fee of \$15 would be charged annually if the residents opted to renew their permit.

Mr. Knecht reminded that the permits would be optional. Not every resident would get charged this fee, only those who wanted permits. Mr. Parker added that while each program had unique characteristics, the less uniform each program was, the harder it was to administer and enforce. They tried to keep certain things consistent like the signs and permit cost. Mr. Strachan added the cost included the cost of administering the program.

There were no other comments from the public, Chair Harding closed public comment.

Mr. Winterton said these were public streets, residents often think the parking in front of their home is their parking, but it was not. A permit program restricted public parking on the street. He likened this to the use of parking meters.

Mr. Stewart said the people who pay the fee are those who have asked for the program. The programs were granted at the request of the neighborhoods.

Chair Harding asked the Councilors if they wanted to pass a resolution of intent now or wait until they had draft language.

Mr. Sewell wanted to move forward, as did Mr. Handley.

Mr. Van Buren asked if they would see the final language, Mr. Jones confirmed and said there would be another public hearing. The Council could request to review the draft language before it was sent to the residents.

Mr. Mumford added that they had 90 days, it did not need to be rushed, February 5 was simply a suggestion.

Mr. Harding wanted to be careful not to pass something that the residents did not want. If they only wanted signs installed, this could probably be handled administratively without implementing a program. Or if they wanted a codified program, the Council would need to balance the desires of the residents with those of the broader public.

Mr. Jones clarified that this date had been included in the draft resolution before the council, they would need a motion to amend if they wanted to change this date.

Motion to Amend: Mr. Sewell moved to amend the resolution to remove the date of February 5, 2019 and require a public hearing in accordance with the notice requirements of Provo City Code. Mr. Van Buren seconded the motion.

Roll Call Vote: The motion to amend passed unanimously with Council Members Handley, Harding, Knecht, Sewell, Stewart, Van Buren, and Winterton in favor.

Chair Harding called for a vote on the implied motion which now included the amended text.

Roll Call Vote: The motion to pass Resolution 2019-02 was approved 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 6:43 p.m.

These minutes were approved by unanimous consent on the 05th day of February 2019.