



PROVO MUNICIPAL COUNCIL

Work Meeting Minutes

1:00 PM, Tuesday, January 21, 2020
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 George Handley, conducting
- Council Vice-chair David Harding
- Councilor Shannon Ellsworth
- Councilor Bill Fillmore, arrived 1:03 PM
- Councilor David Sewell
- Councilor David Shipley

Excused: Councilor Travis Hoban, Mayor Michelle Kaufusi, and Deputy Mayor Isaac Paxman

Prayer

The prayer was given by John Magness, Policy Analyst.

Business

1. **Brigham Young University Parking Analysis. (20-022) ([0:08:20](#))**

Steve Hafen, BYU's Managing Director of Alumni and External Relations, presented. He introduced his colleagues in attendance, Christian Faulconer, Director of Student Academic and Advisement Services, and Ray Bernier, Planning Director. Mr. Hafen shared information about BYU's new Community Relations Committee, which was intended to provide an avenue for BYU to be more active in the community and with engaging with other community partners. CRC is a formal university advisory committee that reviews community-related issues and opportunities and makes recommendations to the President's Council and Campus Planning.

Mr. Hafen shared strategies BYU was using to address concerns about parking on campus:

- Promoting use of bicycles, motorcycles, the Ryde (student shuttle service), and UVX
- Continued marketing of BYU as a walking campus
- Exploring integration of a bikeshare on campus
- UTA passes for students and faculty
- Communication to incoming freshmen and parents about transit options

Mr. Hafen referenced a formal letter that was on file from BYU Facilities to Provo City which cited these strategies and which could be a helpful resource for the Council. Mr. Hafen also shared updates regarding student enrollment. BYU has explored an undergraduate enrollment increase of 1.5% over the next six years, projected to begin with a modest increase the next fall. There were no plans at present to construct more on-campus housing, though they have reached

capacity with the facilities currently available.

Councilors shared comments and asked questions of the BYU staff, including:

- Councilor Shannon Ellsworth noted that BYU had more parking stalls than any other campus in Utah; she wondered whether that led to induced demand, with students bringing their cars since there was ample parking available.
- Councilor David Harding expressed appreciation for the opportunities to collaborate with BYU through their CRC. He wondered if BYU had considered that student parking often is displaced to City streets, which is often seen in the Joaquin area.
- Councilor Bill Fillmore asked whether BYU has considered barring cars for entry/freshmen students. This solution has worked in other communities.
- Councilor George Handley thanked the group for their presentation and asked them to pass the Council's appreciation along to BYU President Kevin Worthen. The advent of UVX has been an amazing resource for faculty and students alike. He thought the ongoing discussions about active transportation were vital conversations.
- Mr. Handley expressed that any information that BYU could share with the City regarding anticipated demographics would help the City as the Council faces decisions that could affect the growth of the student population. He was concerned that BYU felt there was sufficient capacity in on-campus housing, when the addition of several hundred students could have serious impacts on neighborhoods nearby BYU.

Mr. Faulconer expressed that the immediate impact would likely be a couple hundred students and a minor expansion in some graduate enrollment. Recent enrollment statistics showed that about 40% of incoming students immediately deferred their enrollment to go on missions. Mr. Bernier also added that BYU hopes students will begin to target about 15 credit hours with online study; they hope that helps to bridge some of the impact as well.

Ms. Ellsworth said one of her concerns with the University and its population was the quality of student housing. She wondered if that was an issue that BYU was actively engaged with and how could the City be a good partner in promoting quality off-campus housing. Mr. Hafen was not prepared to address that question during this presentation, but he acknowledged the importance of that issue for further discussion. Councilor David Sewell expressed the significant positive impact of BYU; he has personally hired many BYU graduates and he has seen the many businesses started by BYU graduates. He appreciated the community benefit and the impact of having a university located in the City. Mr. Hafen mentioned an economic impact study of BYU the University commissioned recently, which illustrated the large impact. *Presentation only.*

2. Presentation from the Mayor's Sustainability & Natural Resources Committee. (20-020) ([0:37:51](#))

Shawn Miller, Agricultural Commission Chair, shared details on the Commission's work this year securing several easements in west and north Provo. Mr. Miller thanked the Council for their resolution to the State Legislature regarding the Ray McAllister fund; the Commission received \$300,000 from the State, which funding has been instrumental in facilitating their work. Mr. Miller shared status updates on several properties and future plans, including the Powell Slough Wildlife Area, Cherry Hill easement, the Provo River Delta restoration, and the

Moreno Robins easement. These parcels were critical in extending conserved area along the coast of Utah Lake. Councilor George Handley expressed a desire to honor the Despain family by naming the delta “Despain Delta” after the family. They were not happy about selling their property to the City, but it has been an important part of broader conservation efforts. Councilor Shannon Ellsworth suggested naming one of the new parks for the family. Mr. Miller clarified that trails would likely not cut through the delta area, but the entire area would comprise many public trails and open space for people to enjoy for years to come.

Austin Taylor, Sustainability Coordinator, shared some initiatives of the Provo Employee Sustainability Committee. The Committee created a training video which is used to educate new and continuing employees. Mr. Taylor shared a few highlights from the 2019 sustainability report, including a grant to install 20 electric vehicle chargers, launch of the Spin scooter share, redesign of Cougar Boulevard, street trees program, and participation in a new solar farm. The Council thanked Mr. Taylor for his great work and the momentum he has helped generate around sustainability.

Don Jarvis, Chair of the Citizens’ Sustainability Committee, shared details from their 2019 report. Mr. Jarvis highlighted some of the challenges with recycling globally and how it had impacted Provo. He and others were continuing to work closely with Bryce Rolph, Sanitation Manager, to identify solutions for Provo. Mr. Jarvis also shared information about Tier 3 gasoline and the positive impact it can have on air quality and to reduce vehicular pollution. Mr. Jarvis noted that several local refineries produce it, but that the labeling is often unclear as to whether the actual gasoline being sold is of the correct type to garner the air quality improvements locally. It is also not obvious to consumers the difference and the locations where one can purchase Tier 3 gas. Mr. Jarvis shared a draft resolution in support of Tier 3 gasoline education; he suggested that Provo’s legislators may feel emboldened by having Provo’s support. Councilors were interested in supporting the resolution and it was scheduled for the following Work Meeting agenda. *Presentation only.*

3. Discussion of Councilors' committee assignments. (20-021) ([1:02:43](#))

Council Chair George Handley shared the latest on committee assignments. Councilors had shared their preferred assignments in advance. Councilor David Harding clarified the role of a Council liaison for a board. Mr. Handley briefly reviewed the active ad hoc Council committees; several were in the midst of large projects and were anticipated to continue. The Council discussed committee liaison assignments and prepared to vote on the proposed changes.

Motion: David Harding moved to approve lines 6-23 of the document, making the designated assignments and changes. Seconded by David Shipley.

Vote: Approved 6:0, with Travis Hoban excused.

Mr. Harding shared comments on possibly restructuring the Housing, Downtown Parking, and Joaquin Parking Committees. Mr. Handley suggested the group vote on members of the Foothills, Sign, and Zoning Committees. The Council planned to circle back to the Audit Committee at the next Work Meeting, after a more precise mission statement could be drafted.

Motion: George Handley moved to approve the members selected for the Foothills Protection,

Sign Ordinance, and Zoning Compliance Committees. Seconded by David Sewell.
Vote: Approved 6:0, with Travis Hoban excused.

4. Discussion regarding meeting structure and decorum. (20-024) (1:27:16)

Council Chair George Handley explained that Council Leadership had been evaluating how to run more effective, efficient meetings. In an effort to adhere to Council rules, the Chair would designate or invite members to speak. Councilors were invited to use titles and surnames during the evening Council Meetings, to keep the decorum for the meeting and to reduce confusion about who someone was talking about. Appropriate titles included Mr. or Ms., Councilor, and Council member. Councilor Shannon Ellsworth expressed that she did not want to be addressed as councilwoman; the other alternatives were preferred. Councilor David Harding added that those formalities of speech, including speaking as though addressing the Chair, helped to avoid debate becoming personal and keep debate to the merits of a specific proposal or motion.

Mr. Handley reiterated other elements for planning and running meetings and how the Council can contribute to running more efficient meetings. The group also reviewed the past use of Work and Council Meetings and opportunities to reduce repetition, while still allowing the Council to have enough advance time to explore the issues and ask questions in advance of making final decisions. In response to a question from Councilor David Shipley, Mr. Handley also expressed a desire to reinforce proper meeting reporting from neighborhood chairs, as well as limiting applicant presentations to an appropriate length of time. *Presentation only.*

5. A presentation regarding Water Plans. (20-019) (1:53:18)

Dave Decker, Public Works Director, presented on plans and recent developments with the City's culinary water system. He wanted to illustrate, particularly for the new Councilors, some of the context for water rate changes. Mr. Decker reviewed basic information about the water system, including system demands at various times of year, water storage, and redundant water sources. The City constructed an additional 10 million gallons of storage in 2015. Mr. Decker noted that during peak demand (typically July), the water storage system contained less than one day's worth of water (42 million gallons of combined storage versus an average of 54 million gallons per day in demand during peak summer months).

Mr. Decker explained that rates were closely in line with what was recommended by the water master plan approved in 2013. The City's water utility was on a much better financial footing than the wastewater system. Mr. Decker highlighted the financial objectives that Public Works has been following per the Mayor and Council's past direction:

- No bonding
- Fix existing deficiencies
- Plan for future projects (technically and financially)
- Keep rate increases reasonable
- Achieve fund balance goal of 25% of revenue

Mr. Decker outlined several capital improvement projects which would be critical in coming years, including a redundant 48-inch transmission line and replacement of older storage tanks.

Mr. Decker familiarized the Council with Provo's main water sources. During the winter, most water comes from local springs, which is already so clean that it is only chlorinated before consumption. Provo's well water also only needs chlorination, as opposed to operating a culinary water plant in the City. Mr. Decker emphasized that having such a high quality of water sources was a fantastic benefit to the City.

Councilor Shannon Ellsworth asked about what would endanger Provo's water sources. Mr. Decker shared risks for contamination, such as highway accidents (which depending on the location, could contaminate the river, groundwater, or springs), building in Provo Canyon, and use of septic tanks. Ms. Ellsworth asked whether Provo had systems in place to protect against these threats; she wondered whether the City was working with Utah County and others.

Mr. Decker shared additional information about redundant water sources in the City, including operation of 15 culinary water wells. At peak operation, the wells produce 32,000 gallons per minute. Peak demand during summer months is about 37,000-38,000 gpm; even at peak operation, production does not keep pace with demand. Mr. Decker explained the financial ties associated with each source type, noting that surface water was the most expensive due to treatment needs. The City has water storage in Deer Creek and Jordanelle Reservoirs; Mr. Decker shared information on development of both of those reservoirs and Provo's involvement. He noted that the City has not utilized to the full extent its storage assets in Jordanelle, due to the lack of the City's water rights or sources that originate above Jordanelle. Public Works staff have been exploring how best to utilize the Jordanelle storage and have been in conversation with various stakeholders figuring out how to get water into Provo's storage at Jordanelle.

In the last year, Provo used over 8 billion gallons of water; this was below the typical yearly average of 9-9.5 billion annually and was only the second-lowest use year in the last 20 years. Mr. Decker stressed the importance of conservation of the City's water resources. Mr. Decker also explained that recharging the aquifer was one of the best ways the City officials could take an active part in ensuring water would be available in the future. Mr. Decker shared a video demonstrating natural recharge of the aquifer in Rock Canyon and he explained the mechanics involved artificial recharge of the aquifer. The decline of the aquifer over time continues to impact the viability of the City's wells. Mr. Decker shared details about pilot programs for aquifer storage and recovery (ASR) authorized by the State. He indicated that the Council's support in seeking State approval and financing will be an important method of support. **Presentation only.**

6. Presentation on preliminary budget discussions. (20-026) (2:37:08)

David Mortensen, Budget Officer, presented and highlighted significant elements of the budget timeline and process. Of note, supplemental budget requests would highlight specific requests relative to new programs, projects, or activities; purchasing new equipment or software; or updating or reinstating programs, projects, or activities. John Borget, Administrative Services Director, shared a brief presentation with the Council to orient them to the format of the budget, challenges they confront when preparing the budget, and the structure of the City's budget. Mr. Borget used the FY20 budget as an example. The City's total budget is approximately \$253 million. The general fund accounts for about 23% of the total budget and contains activities that do not belong to a specific fund. About 54% of the City's budget is held in the enterprise funds,

which cover utility-type activities. The City also has CIP (capital improvement project) funds and special revenue funds. Mr. Borget gave an overview of the City's general sales tax and property tax revenues. Property taxes are collected for the general fund, bond obligations, and library obligations. Mr. Borget explained that Provo City is the lowest of any comparable cities for the general fund property tax rate. Provo's total tax rate, including library and bond service, placed Provo squarely in the middle of nearby municipalities' tax rates.

In addition to property and sales taxes, the general fund receives a utility transfer from the City's enterprise fund. Property tax does not see much increase over time, as the rate has remained the same and only new growth is captured each year. Mr. Borget said that of the general fund, approximately 77% of costs are personnel-related. Personnel costs typically increase over time, due to merit increases and increases in benefits, which is one of many ongoing challenges to providing a balanced budget each year. *Presentation only.*

Administration

7. Update on the Innovation Fund Program. (20-027) ([2:55:15](#))

Dixon Holmes, Deputy CAO, presented. Mr. Holmes shared details on the innovation fund program. The program was implemented to incentivize innovation throughout the City organization. Innovating the City's operations allows Provo to become more efficient and improves the quality of life for residents. Mr. Holmes shared details of several successful projects, including drones, which have been used by several City departments to gather better data to inform their operations. Mr. Holmes explained that not every project may be successful, but in every instance, the question of what the City can do to improve user and residents' experiences with City facilities and of City operations is central. He shared a brief overview of the applications received this year and the composition of reviewers on the review panel. Council Chair George Handley commended the Administration on this great program that promotes an entrepreneurial spirit among city employees. *Presentation only.*

Policy Items Referred from the Planning Commission

8. Presentation about policy items referred from the Planning Commission. (20-025) ([3:00:28](#))

Brian Jones, Council Attorney, shared background information on the Planning Commission items and the impetus for having them come to both the Work and Council Meetings. The Work Meeting items were intended for brief presentations to simply orient the Council to the main issues prior to discussing the items at length in the evening Council Meeting. Mr. Jones explained the process by which hearing items were simultaneously noticed for Planning Commission and Council hearings or meetings.

Councilor Shannon Ellsworth asked whether this created a culture of continuing items. Mr. Jones clarified that this had been intentional when the process was created; the Council had been concerned that in streamlining a process, the process may be too short. The intent was to be able to streamline more routine items, without causing the Council to feel rushed in deliberating over more complex decisions. Mr. Jones explained that this process was what had been proposed by the Development Approval Process Review Committee and put in place by the Council, but it

was certainly something the Council could choose to change.

Councilor David Sewell explained that he and Councilor David Harding had been involved in the process. The intent was that if five or more Councilors felt that the Council should vote at a first hearing, they could make a motion to suspend the rules; most times, Councilors did not want to do this. Mr. Harding clarified that any Council rule could be suspended by this process. Council Chair George Handley nudged the Council to continue with the meeting, but he felt that the issue of one Councilor requesting to continue a discussion would be beneficial to discuss at a later point. Mr. Jones shared some final thoughts, noting that in practice, he has observed the pressure felt by the Council to vote on something, rather than continue it. The DAPR Committee had considered this and built in a safety valve of sorts, to ensure they were not streamlining the process unnecessarily. Mr. Jones clarified that it is only on the first hearing/reading that one person can request to continue the item. *Presentation only.*

9. Public Works Dept. requests a General Plan Amendment to correct language in Area 5 of the Annexation Policy Map. North Timpview Neighborhood. (PLGPA20190410) ([3:10:09](#))

Austin Taylor, Parking and Sustainability Coordinator, presented on behalf of Robert Mills. He explained that the annexation policy map in the General Plan includes a reference to an elevation of approximately 5200 feet. Public Works has indicated that this reference should be adjusted to reflect the practicable constraints of the City's water system. Councilor George Handley asked about where the figure had come from and whether it was tied to a specific development proposal. Shane Jones, Water Engineer, shared clarification on water pressure zones and how this related to the annexation policy map. He explained that the 4876' contour runs through area 5, which is serviced by the northeast water tank. While that tank can service elevations higher than 4876', it would require additional infrastructure to do so. The 5200' elevation had come from the master plan; this was accurate, but misleading to include on the annexation policy map, as actual construction at that elevation would require additional infrastructure—an elevation of 4876' was the highest which can be serviced by the current pressure zone. Councilor David Harding suggested that if there were specific timing concerns, it would be helpful to be aware of that going into the evening Council Meeting. *Presentation only. This item was already scheduled for the Council Meeting on January 21, 2020.*

10. Community & Neighborhood Dept. requests Ordinance Text Amendments to amend permitted uses in the Neighborhood (SC1), the Community (SC2), and the Regional (SC3) Shopping Center Zones. Citywide application. (PLOTA20190429) ([3:14:40](#))

Javin Weaver, Planner, presented. As a department, they have been evaluating areas where adjustments could be made to free up more bandwidth for staff and for the Planning Commission to focus on more long-range planning concerns. He explained how permitted uses worked versus conditional uses. Conditional use permits are currently reviewed by staff and the Planning Commission, however, they are not really discretionary; if the specified conditions are met, the application must be approved. Staff have reviewed each of the shopping center zones to identify conditions that might be needed for certain uses. If no condition was needed, they have proposed

shifting these from conditional uses to permitted uses. This would help simplify and consolidate the code, as well as simplify the process for doing business in Provo.

Several Councilors asked Councilor Shannon Ellsworth for her thoughts given her previous position on the Planning Commission. She was supportive of the proposal; it was increasingly the movement of the planning field to move away from conditional use permits. Doing so avoids spot zoning and provides a more level playing field for all businesses in a certain zone. ***Presentation only. This item was already scheduled for the Council Meeting on January 21, 2020.***

11. Courtyard at Jamestown, LLC, requests an Ordinance Text Amendment to the Professional Office Zone (Section 14.16.120). Citywide application. (PLOTA20190432) ([3:18:00](#))

Brandon Larsen, Planner, presented. Mr. Larsen outlined background information regarding the proposal. Specifically, the applicant had proposed an exception to the permissible lot coverage in the zone. In 2019, an expansion of the Jamestown Assisted Living facility had been approved. Due to some title issues with a portion of the land in the proposal, they needed to remove that portion of the land from the proposal. By removing this portion of the land, their lot coverage would go from 29% to 34%. The applicant has proposed allowing the Development Services Director the discretion to approve lot coverage varied by up to 5%, if it was adjacent to a public amenity. The Planning Commission has recommend simply changing the lot coverage threshold to 35%. Mr. Larsen explained that this was a modest increase and staff were supportive of this reasonable approach and the flexibility this would provide. Councilor David Sewell asked whether the implied motion referenced the staff recommendation or the Planning Commission recommendation. Brian Jones, Council Attorney, indicated that the implied motion applied only to area 5 and utilized the Planning Commission’s recommendation. ***Presentation only. This item was already scheduled for the Council Meeting on January 21, 2020.***

12. Quinn Peterson, Downtown Neighborhood Chair, requests an ordinance amendment to allow approval of restaurants with ancillary microbrewing as a permitted use in the SC3, DT1, and DT2 zones. Citywide application. (PLOTA20190378) ([3:22:46](#))

Quinn Peterson, Director of Downtown Provo, Inc., presented. Mr. Peterson had previously met with each of the Councilors to review the proposal. With over 78 different locally owned eateries downtown, Provo has amazing opportunities that bring many chefs with diverse culinary experience to downtown Provo. Opening the ability for chefs to dabble in brewing alcoholic beverages in-house would expand their opportunities. The proposal was not to expand bars and did not seek to change the current limits on the percentage of sales allowed of alcohol. There are about 25 restaurants total, 15 in downtown and 10 in other areas of the city, which serve alcohol. The State has heavily monitored alcohol regulations; restaurants may only have up to 30% of their sales from alcohol; at least 70% of sales must be from food. In addition to these regulations, there is additional state and federal regulation for brewing. There are also limitations based on proximity to churches and schools. Mr. Peterson addressed other concerns which have been raised, such as public safety or proliferation of alcohol-oriented establishments. Due to the overhead costs of equipment and the extensive licensure requirements (it takes about a year to obtain a federal license), most restaurants would keep the status quo. Rather, this proposal would

Please Note – These minutes have been prepared with a timestamp linking the agenda items to the video discussion. Electronic version of minutes will allow citizens to view discussion held during council meeting.

open opportunities for new establishments to use this process if it is part of their original plans. Provo Police Chief Rich Ferguson said that the department does not have concerns about public safety issues relative to a microbrewery in the City.

Mr. Peterson explained that if the Council were concerned about creating a ‘slippery slope,’ the licensing of brewpubs could be crafted to introduce other restrictions, such as density or proximity. Mr. Peterson also addressed accusations that this application had been forwarded strategically at this time; he explained that this was voted a priority for the business community in 2017. After meeting and researching for several years, in collaboration with staff and with other municipalities, there is now a candidate interested in such opportunity. The proposal has become more pressing given the active interest of a downtown business owner. He indicated there were several provisions of city code that were not consistent with the State code for alcohol licensing. The Administration has revisited updating the City ordinance to align the code with state statute. Hannah Salzl, Policy Analyst, shared details from a follow-up report in response to several questions from Councilors.

Mr. Peterson ended by sharing the past trajectory of downtown. About 15 years ago, downtown was being overrun with pawn shops, tattoo shops, smoke shops, and bars. Downtown Provo is on the national historic register and he felt the City Council at the time made a wise decision to limit those types of land uses. He feels that as historic downtown is now robust and growing, it was a good opportunity to reflect on the wise decisions of the past and to consider how those rules may or may not apply today. Council Chair George Handley expressed that he would like to allow plenty of time for Mr. Peterson’s presentation at the evening Council Meeting. ***Presentation only. This item was already scheduled for the Council Meeting on January 21, 2020.***

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.

Motion: Shannon Ellsworth moved to close the meeting. Seconded by David Shipley.

Vote: Approved 6:0, with Travis Hoban excused.

Adjournment

Adjourned by unanimous consent.