



## PROVO MUNICIPAL COUNCIL Work Meeting Minutes

1:00 PM, Tuesday, February 18, 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  
Councilor Travis Hoban  
Councilor David Sewell  
Councilor David Shipley  
Mayor Michelle Kaufusi

#### Prayer

Amy Addington, Council Intern, offered the prayer.

#### Approval of Minutes

**October 8, 2019 Work Meeting**  
*Approved by unanimous consent.*

#### Business

- 1. A presentation regarding the fiscal year (FY) 2021-2022 budget from Public Works. (20-007) ([0:01:55](#))**

Dave Decker, Public Works Director, presented and outlined the various operations of Public Works. Jimmy McKnight, Public Works Budget Analyst, and various Division Directors were also present to answer more specific questions related to the operations of their areas. Mr. Decker acknowledged the partnership and collaboration between Public Works and other City departments, which has contributed to their effectiveness. Mr. Decker shared highlights of recent projects completed by the Public Works department, including Aquifer Storage and Recovery (ASR) and related capital improvements to shore up the City's aquifer and water supply.

Mr. Decker shared a brief review of capital improvements to the sewer system, particularly as it impacts the west side of Provo. He also shared details about stormwater projects. Both these areas have in-house crews doing work as part of the broader airport construction and new

terminal. Mr. Decker also highlighted the funding mechanisms for the airport, including FAA grants. Mr. Decker reviewed personnel changes, noting the increase in sanitation staff as a result of the City assuming recycling and composting operations, which provides a great benefit to residents. In response to a question from Councilor Shannon Ellsworth, Mr. Decker explained the calculation model using full-time equivalents; decimal portions could illustrate seasonal, part-time, or intern employees, in addition to full-time staff. He also reviewed the CIP projects planned for Fiscal Year 2021 in more detail, including construction updates from the airport, Lakeview Parkway north of Center Street, wastewater infrastructure, aquifer storage and recovery, savings for reservoir replacement, well development, and spring runoff preparation.

Councilor George Handley asked for an update on street maintenance. Ms. Ellsworth also asked for clarification about the roads budget and the Utility Transportation Fee. Mr. Decker indicated that the entire UTF revenue goes to street overlay. The total roads budget is approximately \$2.6 million, including both funding sources. Public Works staff explained that the State's gas tax funding is broken into three classes: A for interstate and state highways, B for counties, and C for municipalities. B&C roads refers to these second and third portions of the formula. Provo has consistently utilized about \$500,000 from B&C road funds toward sidewalk repair, though the Council may wish to discuss increased funding for sidewalks.

In response to a question from Ms. Ellsworth regarding whether the UTF was in jeopardy during the legislative session, Mr. Decker expressed confidence with Provo's approach to the UTF. They were participating actively in the process at the legislature. Mr. Decker highlighted the issues with bonding for street repairs which befall many cities, such as Salt Lake. Due to the proportion of non-profit property ownership in Provo, the UTF is a much better solution to address Provo's street funding needs. Provo's position continues to resonate with many legislators.

Councilor David Shipley asked what the equivalent amount of sidewalk \$500,000 could repair. Mr. Decker said that would cover about 5000-7000 square feet of sidewalk. Mr. Decker shared an example of an area in the Franklin Neighborhood, where every single block, most of the whole block's sidewalk needed to be replaced due to its aged condition. ***Presentation only.***

**2. A discussion regarding information on restaurants with ancillary breweries.  
(PLOTA20190378) ([1:01:57](#))**

John Magness, Policy Analyst, presented. He reviewed the Open City Hall survey, highlighting the methodology as well as the data collected. This was not a scientific survey, but Mr. Magness shared trends seen in the data: women tended to be more supportive than men and younger individuals tended to be more supportive than older individuals. Mr. Magness addressed survey structure—the beginning tried to identify a baseline idea of how people think, then to give them more information and see if that changes their mind. In this survey, it generally did not.

Councilors shared comments about the survey. Council Chair George Handley noted that it would be critical to explain to the public that the survey was not scientific. A couple of Councilors were concerned that the survey was suggestive; they expressed a desire to hear from constituents on both sides of the issue to review the benefits and drawbacks. ***Presentation only. This item was already scheduled for the Council Meeting on February 18, 2020.***

**3. A discussion regarding the appropriations on the agenda for the evening Council Meeting. (20-035, 20-038, 20-039, and 20-040) (1:21:23)**

David Mortensen, Budget Officer, presented. Mr. Mortensen gave an overview of the appropriations scheduled for the Council Meeting that evening:

- \$15,000 in the General Fund for a public bike rack expansion project
  - These funds were revenue from the Zagster scootershare program. The funds had already been programmed to be used in this way.
- transfer \$200,000 from the Community and Neighborhood Services Department to the Development Services Department
  - The final budget for the fiscal year incorrectly allocated this funding to Community and Neighborhood Services; in the intervening months, staff have verified which positions were part of each department's reorganization.
- \$26,819.85 in the General Fund for a reimbursement to satisfy the Participation and Reimbursement Agreement with Parkway Village Provo Holdings, LLC
  - This is a reimbursement payment to satisfy a previous agreement.
- \$3,638,455 in grant funds and sale proceeds for the design and construction of a new roadway, utilities, and infrastructure at the Mountain Vista Business Center
  - John Borget, Administrative Services Director, explained that this property sale had been conditional on the installation of the road. The appropriation would be for the full amount in order to construct the road and infrastructure. The City will then submit reimbursement requests to the federal government for half of the funds, which would come from EDA grants.

Councilors asked several clarifying questions regarding the appropriations. Mr. Mortensen explained that more detail would be shared during the presentations at the evening Council Meeting. *Presentation only. This item was already scheduled for the Council Meeting on February 18, 2020.*

**4. A discussion regarding the 2020 Consolidated Plan goals and priorities to direct Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) funding. (20-036) (1:32:51)**

Dan Gonzalez, CDBG & HOME Administrator, presented. Mr. Gonzalez gave a high-level overview of the purposes and goals of the CDBG program, which has been in place since 1974. He noted that 20% of the allocation can cover costs associated with the administration and planning of the program. Mr. Gonzalez also shared an overview of the HOME Consortium, which is comprised of Provo and several other member cities. Mr. Gonzalez reviewed the project year 2020 consolidated plan, which addresses the next five years, describing needs, resources, goals, priorities, and activities. It also includes a housing needs assessment.

Mr. Gonzalez distributed a survey to the Councilors and hoped to review the Councilors' prioritization of various areas. He also shared the results from surveying the public regarding different priority areas. He noted that among the Council's responses, services for special needs populations rated high, and the other areas had a variety of rankings. Councilor Shannon

Ellsworth asked what might fall under commercial rehabilitation; Mr. Gonzalez cited façade update grants as a program in that area. Mr. Gonzalez also highlighted the process for review of the consolidated plan and accompanying public hearings to come before it is submitted to HUD.

Council Chair George Handley raised the question of how the Council wants to approach housing. There is a lot of data the City needs, but does not have, although the CDBG packet had a lot of great data included with its recommendations. Mr. Handley hoped there would be ways to better integrate the Council’s decision-making process for housing with a better understanding of underlying issues for different demographics in Provo, such as minorities, renters (including non-student renters and families who rent), and individuals experiencing homelessness. Ms. Ellsworth added that there are regional issues and there are Provo-specific issues. She felt that Provo needs to be nuanced and strategic with its approach to housing. She also noted that housing is mandated by the State to be included in the General Plan; she suggested focusing efforts there, rather than creating redundant documents or policies. *Presentation only.*

**5. A discussion regarding zoning enforcement. (20-037) ([2:01:13](#))**

Carrie Walls, Zoning Administrator, presented. Ms. Walls shared details about the staffing of the Zoning division as well as various aspects of their operations, including handling code enforcement cases, rental dwelling licensing and research, scheduling inspections, contacting residents, and working with the public at the front counter, on the phone, and in the field. She highlighted some specific issues that were ongoing in their focus, or coming up, including short-term rentals, business license enforcement (both enforcing on delinquent businesses or businesses entirely without licenses), additional kitchens, occupancy, and accessory and supplementary apartments.

Councilor David Sewell asked a question about staffing and retention. Ms. Walls outlined more about senior staff and what kind of training and opportunities they are given. She explained that they haven't looked into why other cities have a longer tenure for zoning staff, but it is something she would like to investigate. She highlighted a recent change to the reclassification of the staff as code compliance (versus enforcement). She hoped that the change would provide a signal that they hoped to have a positive influence and encourage a positive environment.

Councilor Shannon Ellsworth asked for data on the implementation of the rental disclosure agreements. She wondered if it was an effective tool, as there were probably many people who did not have one or were not aware of the fact that they needed one. Ms. Walls shared additional details about how they track the licenses and the process for using the disclosure form. She explained that it was a time-intensive process, but they were trying to automate various aspects of it. Councilor Bill Fillmore asked about the relationship with BYU on compliance for BYU-contracted housing as well as the quality of the off-campus housing stock. Ms. Walls said that BYU has a process for students to submit documentation for non-BYU housing waivers and BYU has improved their guidelines somewhat to be more in line with what the City requires. However, enforcement is entirely the City’s responsibility. She explained that they can inspect a rental property every 3 years or if there is a specific issue reported. She noted that some complaints are not authorized by the City; for instance, air conditioning is not required, but tenants may complain about not having air conditioning.

Gary McGinn, Community and Neighborhood Services Director, explained that the health and safety requirements in the City ordinance are fairly minimal, as the State has limited what cities can do with requiring certain standards for housing. He explained that the apartment lobby has a lot of influence at the State level and the State is very pro-landlord oriented in its laws. Mr. McGinn noted that BYU could actually hold more sway with requiring a higher quality of housing for housing to qualify as BYU-approved. The City's health and safety oversight relates primarily to the structural integrity of the building, having smoke detectors, etc. Mr. Fillmore asked about black mold, for example. Mr. McGinn said there was very little the City could do without a landlord's cooperation. Councilor George Handley asked about non-BYU rental units and whether those were more likely to be at risk. Mr. McGinn explained that affordable housing, which is also healthy and safe, was a big need outside of the student population in Provo. Councilors expressed that renters are often a somewhat vulnerable population, in that many are reticent to report issues lest they experience a punitive or retaliatory response. Ms. Ellsworth thought that even many BYU-approved housing units were low-quality as there are a few main rental companies that have a quasi-monopoly in the city.

Ms. Walls explained that even when the City can and does enforce on landlords or rental managers, it can be a lengthy process to take them to court and often only results in a \$250 fine and plea and abeyance. She thought that a different type of enforcement process was needed for rentals. Brian Jones, Council Attorney, highlighted some of the differences between local versus state perspectives on this issue. There was some concern that the consequences of zoning violations would not hold as much sway and therefore would render enforcement less effective. ULCT was actively engaging on the bill. Councilors shared comments on the hazards of potential changes that would lessen the City's ability to enforce zoning code.

Councilor David Shipley asked whether zoning staff have the bandwidth to handle some of the broader issues discussed during this presentation. For context, with six full-time staff members, each manage about 100 cases. Mr. McGinn noted that they try to work on some of the broader issues, but they are limited with the resources and time they have at the current staffing level. Mr. Shipley also asked if zoning receives calls or complaints about short-term rentals. Ms. Walls indicated that typically they do receive calls from neighbors to the rental property. Mr. Sewell reiterated his concern about the retention issues in the zoning division as a high priority for zoning. Mr. McGinn said that anecdotally, what they hear from staff who leave, is that they have sought out higher-paying jobs or a career path better aligned with their aspirations.

**Motion:** George Handley moved to reaffirm the Council's wish that funding short-term rental software from carryover funds and selection of a vendor would move forward; and to discuss the most strategic and cost-effective recommendations for zoning staffing in a future Work Meeting. Seconded by David Sewell.

**Vote:** Approved 7:0.

## **6. A discussion regarding Community and Neighborhood Services' vision for the General Plan and Neighborhood Plans. (20-044) ([2:49:11](#))**

Gary McGinn, Community and Neighborhood Services Director, and Robert Mills, Planner, presented. They highlighted completed neighborhood plans for various neighborhoods and areas



of the City, as well as those which were currently in progress. Mr. Mills also shared background on the General Plan, which should be the guiding plan and articulate the values and principles of the City. Often, neighborhood plans are more granular and specific. Mr. Mills explained that neighborhood plans were a way to implement General Plan policies in a specific area. They hoped for the General Plan to become a more concise statement of the City’s broad goals. Community and Neighborhood Services wanted to determine if the Council supported that more comprehensive approach. Councilors shared comments on the neighborhood plans, including:

- Councilor George Handley asked about the northeast area plan as it related to the Council’s work on foothills protection. Neighborhood plans help a neighborhood come to an understanding of what the General Plan is—when done well, it gets more local buy-in into the bigger picture for the whole City. He felt that efforts needed to be more coordinated to include the canyons and foothills, rather than just what falls within a neighborhood’s boundaries. He was concerned about creating fragmented local plans and wanted to make sure they continue to be aligned with the General Plan.
- Councilor Shannon Ellsworth was uncomfortable with the current direction of neighborhood plans. She felt they were a valuable tool to preserve a specific aesthetic in historic neighborhoods, but she worried that more often they are a reactionary tool. She felt the City needed a stronger and simpler General Plan that addressed cohesiveness and connectivity (rather than disparate neighborhoods), gateways into the city, and housing. She did not feel that neighborhood plans were strong enough to do this for Provo.
- Council David Harding felt that neighborhood plans needed to be written by professional staff, similar to the General Plan. They were a tool which could be more contextually sensitive than the General Plan.
- Mr. Handley felt that, if done right and as long as it was not a tool which would enable reactionary policies, that neighborhood plans could reduce reactionary moves—they could serve as a tool to articulate a collective vision.
- Councilor Bill Fillmore asked for clarification on the General Plan—it is a state requirement but are not enforced like the city code. He suggested that neighborhood plans represented a similar aspirational view.
- Ms. Ellsworth hoped the City would work toward an overhaul of the General Plan, as the current version was adopted in 1997. She suggested presenting the Planning Commission with some options and giving them the ability to make a recommendation to the Council on the direction to go. The process would still take 12 months with a professional consultant. The City paid about \$120,000 for the transportation master plan that is currently underway, so that was a solid baseline of what to expect for a General Plan.
- Mr. Harding was interested in recommendations from both the Planning Commission and the department of Community and Neighborhood Services. *Presentation only.*

**7. A discussion regarding the Provo Power renewable energy goal for 50% renewable sources by 2030. (20-043) ([3:13:01](#))**

Travis Ball, Provo Power Director, presented. He highlighted some distinctions between carbon-free and renewable energy, noting that many of the dams (including the Glen Canyon Dam) were outside of Utah and did not meet the State’s renewable standards as it was considered out-of-state. Carbon-free is power generated that does not distribute carbon into the air. Some sources are renewable but not carbon-free, such as the combined heat and power generator at

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BYU; residual or waste heat from the generator is used to cool and heat BYU campus facilities. Utah's renewable standards allows the City to count demand-site management programs. Provo has counted rooftop solar among its resources and continues to implement solar through the community solar projects sponsored by UMPA. Solar continues to become more economical. As certain resources or contracts expire, Provo Power continually evaluates what these can be replaced with to further the City's carbon-free and renewable goals. Councilors shared comments on the energy goal. Council Attorney Brian Jones suggested that this discussion continue at the joint meeting of the Council and Energy Board in March. ***Presentation only.***

### **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:** David Harding moved to close the meeting. Seconded by Bill Fillmore.

**Vote:** Approved 7:0.

### **Adjournment**

***Adjourned by unanimous consent.***