

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.



## PROVO MUNICIPAL COUNCIL

### Work Meeting

1:30 PM, Tuesday, June 02, 2020

Electronic meeting: <https://www.youtube.com/user/provocitycouncil>

### 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 Travis Hoban  
Councilor David Shipley  
Councilor David Sewell  
Councilor Bill Fillmore  
Mayor Michelle Kaufusi

#### Prayer

The prayer was offered by Cliff Strachan, Council Executive Director.

#### Approval of Minutes

January 22, 2020 Legislative Breakfast - *Approved by unanimous consent.*

#### Business

1. A presentation from the Provo School District. (20-092) ([0:11:41](#))

Keith Rittel, Provo School District Superintendent, presented. He shared an update with the Council regarding the risks of continued operation of Timpview High School. Due to the risks of the facility, the District is exploring plans for how to facilitate operations while vacating the unsafe portions of the structure. He anticipated that they would look to the City for help handling parking for students. Spt. Rittel also shared an overview of the transitions the schools have taken during the COVID-19 pandemic. He anticipated that they would implement some form of blended learning in the fall; as it was still a yellow/low-risk environment, they were planning as though that same risk level would be in place. Council Chair George Handley noted that the assumption is that younger people are less vulnerable to COVID-19, but that it was a false narrative which neglects employees, staff, and family members may be more vulnerable. **Presentation only.**

2. A discussion on the proposed FY 2021 budget. (20-008) ([0:38:03](#))

Cliff Strachan, Council Executive Director, presented. He reviewed the changes to the Tier 2 retirement plan for public safety personnel and firefighters and explained that the Council has been asked to adopt a motion indicating the City's direction on this matter. Councilor Bill

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.

Fillmore suggested that this coverage would be an important factor for retention and supporting and keeping experienced personnel. Mr. Strachan clarified that this would be an ongoing cost and it has been accounted for in the Mayor’s proposed budget.

**Motion:** David Harding moved that Provo City Municipal Council directs that the City “pick-up” (that is, pay) the required member contribution, which will be designated as employee contributions, on behalf of employees serving as a Public Safety Officer or as a Firefighter that are members of the Public Safety and Firefighter Tier II Hybrid Retirement System. Seconded by David Shipley.

**Vote:** Approved 7:0.

Mr. Strachan gave a brief overview of the consolidated fee schedule and invited any questions or comments from Councilors. Councilor David Shipley commented on the Library fee changes; he felt that the removal of library fees for children’s books would be a positive move in encouraging families with young children to utilize the library more. The change also did not pose a negative change for the library. Councilor George Handley shared a question he wanted to refer to the Energy Department regarding a fee for charging electric vehicles at night.

The discussion shifted to the topic of carryovers. Wayne Parker, CAO, outlined several items proposed for carryovers: facilities expenses for the Fire Department, Recreation Center, and General Fund, as well as election costs. Mr. Strachan shared drafted language that is proposed for inclusion in the City budget document regarding principles of financial management.

Councilor David Shipley asked of the Administration what kind of funding is in the City budget as far as ongoing efforts with sensitivity or implicit bias training. Mr. Parker and Mayor Michelle Kaufusi said that the Police Department conducts fairly regular training on de-escalation and implicit bias. They have asked Chief Rich Ferguson to come back with recommendations, including training issues, other kinds of work such as employee wellness and mental health, and necessary equipment. Mr. Parker suggested that there was certainly more to talk about, but which could possibly be handled as a separate appropriation in the new fiscal year. Mr. Shipley indicated he would be supportive of adding elements that would be helpful. Mr. Strachan expressed appreciation to the Administration. Mr. Handley thanked the Administration, Mr. Parker, and John Borget, Administrative Services Director, for their cooperation and willingness to communicate and collaborate.

3. A discussion regarding beer licensing regulations and density restrictions. (20-077)  
([1:21:12](#))

Cliff Strachan, Council Executive Director, introduced the discussion. Council staff surveyed Councilors to understand their views on the various points of the proposals. Hannah Salzl, Policy Analyst, presented on the results of the survey. The proposals were not mutually exclusive, so the results reflect some possibilities for combining elements of the two proposals.

A majority of respondents supported the following policies to some degree:

- Prohibit brewpubs from storing equipment outdoors
- Require off-street or alley-accessible loading dock, with time-restricted loading times

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.

- Limit the density of bars
- Limit the footprint of brewing facilities to 30% of total brewpub area
- Permit no more than 2 Class F licenses per single incidence of a zone
- Measure density of alcohol outlets and publish a heat map of alcohol outlet density to better inform businesses, the City, and the public
- Limit the density of brewpubs only
- Limit the number of barrels brewpubs can produce

In a ranking of types of alcohol outlets, most Councilors placed brewpubs, bars, and clubs as higher priorities to regulate by density. Most also preferred regulating establishments per each instance of a zone. Staff invited comments and discussion from the Council.

Councilors' comments and discussions included:

- Councilor David Sewell commended staff; it is a challenge to understand what a group of individuals collectively think about a topic. He felt the results were very informative.
- Councilor David Harding preferred that the committee proceed to work with Council staff to draft language reflecting the survey results. He also hoped that with a few tweaks that there would be broader support for the local consent policy.
- Councilor Shannon Ellsworth had asked staff to draft some language for the F license. Brian Jones, Council Attorney, noted that he had not had a chance to draft the language yet. Ms. Ellsworth was not comfortable melding the two proposals, as she felt they were separate in their intent—one was specific to F license, while the other to more license type.
- Councilor David Shipley suggested that an interim step could be moving forward with items that had 70% support or more—there seemed to be broad support for the most straightforward restrictions. Bars are already highly restricted by state law, so he did not think that much more needed to happen there, though the heat map could be a useful tool.
- Councilor Bill Fillmore appreciated the work put into both proposals. He was interested in tightening a few items from the F license proposal. He agreed with the idea of moving forward with the items that had broad consensus.
- Councilor Travis Hoban agreed on moving forward with elements that had broad support. He was hesitant to use the heat map for determining applications that should come to the Council. He felt that needed more discussion as it may not be the will of the Council.
- Ms. Ellsworth echoed the nuance that Mr. Shipley presented; there was already legislation restricting bars and she didn't think Provo needs more. She felt that it would be helpful to be very specific about which points should be drafted for an ordinance.
- Councilor George Handley was very uncomfortable with the idea of the Council having public hearings about specific restaurants and making these kinds of public health decisions, which could become very political with the Council changing every two years. It could also create negative perceptions in the business community by creating unnecessary hurdles to locating in Provo. Overall, he felt the local consent proposal had a lot of risks but did outline some useful guides or measuring tools. He saw much stronger support for the basic elements of the F license restrictions.

**Motion:** George Handley moved to request that staff draft the F license restrictions to bring back to the Council, and also draft guidelines to request the Administration to consider in their continued decision-making on alcohol licenses (using the

substance of the local consent proposal and asking the Administration to use that as a tool). Seconded by Travis Hoban. *Mr. Handley later withdrew the motion.*

Mr. Jones clarified that the delegation of local consent to the Administration was non-discretionary, in line with state statute; essentially, if an entity meets the requirements, they are granted a license. If local consent is delegated by the governing body of the City, it must be delegated in a way that is non-discretionary, with very clear and specific criteria to apply.

Councilors continued the discussion. Highlights included:

- Ms. Ellsworth was unaware of the implications for local consent that Mr. Jones explained, and was uncomfortable with the language of the motion based on this context.
- Mr. Jones clarified that if any changes were to be made regarding the process for local consent, they would need to be codified and include specific non-discretionary criteria; a resolution or letter to the Administration would not be sufficient.
- Mr. Handley felt there was a significant difference in the Council's response to the two proposals; the response to the local consent proposal was quite fractured or split, which was indicative to him of a problem that needed to be distressed.
- Mr. Fillmore liked the idea of having staff prepare draft language including any item that received 57% or more support. He felt it would be more productive to debate and fine-tune at that point. He liked the idea of a heat map for informational or advisory purposes. Restaurants were not a high priority for him; he was more concerned with establishments such as brewpubs and bars, which promote the consumption of alcohol. He also felt that a comprehensive look at the local consent proposal may be helpful.
- Mr. Handley withdrew the motion.
- Mr. Harding noted that the least supported components of both proposals was 57%. He suggested allowing the survey to inform the committee as they move forward.
- Mr. Shipley wondered whether a motion eliminating restaurants from the regulations would be helpful; it seemed that point kept coming up, but he saw significant support for not including restaurants as part of the density restrictions and local consent.

**Motion:** David Shipley moved to strike restaurant regulations from any further discussion within the committee. Seconded by Shannon Ellsworth.

Councilors and staff briefly discussed the different types of alcohol licenses, noting in particular the different types which could be paired with a restaurant. Mr. Jones clarified that if the establishment is a restaurant, even if they had a full-service alcohol license, they were still restricted to the State's percentage ratios for alcohol versus their food sales.

Councilors shared additional comments and discussion on the motion, including:

- Mr. Harding expressed that he preferred to give the committee more flexibility and to use density measurements that consider all alcohol outlets, including restaurants. He did not support the current motion.
- Ms. Ellsworth felt the Council had been spinning their wheels on this exact question; it was worth voting to determine whether or not a majority favored leaving restaurants alone.

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.

- Mr. Handley supported eliminating restaurants from the proposal, though he was open to considering certain nuances so long as they did not place excessively burdensome restrictions on restaurants.
- Mr. Strachan wondered whether it would be helpful to distinguish between certain elements; for instance, restaurants could be included in the heat map, but the heat map should not be used to regulate restaurants.

**Vote:** Approved 4:3, with Bill Fillmore, David Sewell, and David Harding opposed.

## **Policy Items Referred from the Planning Commission**

4. Chris Ensign requests a zone change from Residential Agricultural (RA) and A1.5 to R1.7 for property located at approximately 901 W 1560 S. Lakewood Neighborhood (PLRZ20200079) ([2:32:21](#))

Brian Maxfield, Planning Supervisor, presented. He shared maps and a brief overview of the project and indicated that the bulk of the presentation would be deferred to the Council Meeting that evening. Several Councilors shared comments on the proposal, noting that it was consistent with the west side development policies and had support of the Planning Commission.

*Presentation only. This item was already scheduled for the Council Meeting on June 2, 2020.*

5. An Ordinance Text Amendment request to add the Very Low Density Residential (VLDR) zone to the Provo City Code as Chapter 14.14F. Citywide application (PLOT20200120) ([2:42:06](#))

Javin Weaver, Planner, introduced this item and invited any questions from Councilors. Seeing none, he deferred his further presentation until the Council Meeting that evening. *Presentation only. This item was already scheduled for the Council Meeting on June 2, 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.

Brian Jones outlined the statutory basis for the Closed Meeting, which was to discuss the deployment of security personnel, devices, and systems.

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

**Vote:** Approved 7:0.

## **Adjournment**

*Adjourned by unanimous consent.*