



PROVO MUNICIPAL COUNCIL

Work Meeting Minutes

12:00 PM, Tuesday, March 31, 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 Bill Fillmore
Councilor Shannon Ellsworth
Councilor Travis Hoban
Councilor David Sewell
Councilor David Shipley
Mayor Michelle Kaufusi

Prayer

The prayer was given by Councilor David Harding.

Business

1. A presentation on Provo City's Vehicle Replacement 5 Year Plan. (20-007) ([0:05:38](#))

John Borget, Director of Administrative Services, presented a background on the City's vehicle replacement program as part of the City's fleet services. Mr. Borget explained that during the recession in 2008, fleet replacement was not a priority due to limited funds. Mr. Borget explained the loan program that provides the main constraint for vehicle replacement. He outlined the proposed fiscal year 2021 vehicle replacement plan list and shared details.

Councilor George Handley asked about the possibilities for purchasing electric vehicles when possible and what the potential financial or other limitations there might be. Nancy Bean, Fleet Manager, shared details on past electric vehicles that the City has tested in various types of city operations. Councilors David Sewell and David Harding shared comments in support of exploring a formal policy about purchasing alternative fuel vehicles. Staff also shared details of the electric vehicle charging stations to be installed throughout the City.

Motion: George Handley moved to bring a proposed fleet policy and purchase of alternative fuel vehicles to the next Work Meeting for the Council to discuss, amend to their satisfaction, and send forward. Seconded by David Sewell.

Vote: Approved 7:0.

2. A presentation to the Municipal Council in order to provide information regarding Public Infrastructure Districts (PIDs). (20-063) ([0:36:48](#))

Randall Larsen, Gilmore & Bell, shared an overview of Public Infrastructure Districts (PID) as a mechanism to fund large improvements. The developers of the medical school in Provo have some significant challenges with the property as it was a former landfill and it has required significant capital to mitigate the conditions of the property to make it suitable for development. PIDs are allowed under state code and they operate as a mechanism for an entity to fund their infrastructure improvements (though ownership of the infrastructure remains with the City or utility entity). Mr. Larsen explained the legal intricacies of creating a PID and how it operates. This tool has only become permitted in Utah by the legislature in 2019, so it is fairly new.

Councilors shared comments that were generally favorable to the medical school exploring a PID, though they wanted to proceed with caution. If the Council wanted to outline their policies for PIDs, that would be the next step, as the medical school developers anticipated submitting a proposal to the City soon to create a PID. John Nemelka, Wasatch Educational, thanked the City for their willingness to contemplate creating a PID, as it was a crucial tool for them to be able to complete the medical school project. *Presentation only.*

3. A discussion regarding licensing for restaurants with ancillary breweries. (20-057) ([0:56:57](#))

Hannah Salzl, Policy Analyst, presented. Ms. Salzl shared background information on alcohol licensing. She clarified that cities can only regulate beer and not other types of alcohol. She highlighted some of the differences between Provo City's regulations and those of the State Department of Alcoholic Beverage Control (DABC). Ms. Salzl noted that in regards to previous questions on the issue, the Public Works department did not have any infrastructure concerns with ancillary breweries; there are already provisions in place that would require pre-treatment of wastewater if it were warranted due to a particular kind of land use. Ms. Salzl shared details of various options for regulatory frameworks.

Councilors shared comments and asked questions, including:

- Councilor George Handley asked about the differences between state and city code. Brian Jones, Council Attorney, clarified that the differences have been split into two separate ordinances; one ordinance would address general housekeeping items to bring the city into alignment with state code based on changes to the state code. The other ordinance included items in which the City was more restrictive than the state.
- Councilor Shannon Ellsworth clarified the main differences between the two proposals; the first would change only the F license, while the second proposal contemplated creating an F license as well as further changes to B (restaurants) and C (bars) licenses.
- Councilor David Harding shared additional information about the second proposal.
- Councilor David Sewell shared recommendations on limiting the density of alcohol outlets, which has been shown to mitigate factors in the harms of alcohol use. He felt this was a worthwhile approach to explore, but he noted that density was an ineffective measure unless the Council considered all types of alcohol outlets together. He preferred a holistic review of the various policies and ordinances.

- Ms. Ellsworth felt that it was important to get a new license type for brewpubs into place quickly. She was concerned that including the other license types would negatively impact businesses; she wanted the regulations to be appropriately business-friendly.
- Councilor Bill Fillmore preferred to take a comprehensive approach for the review. He noted that the community group pursuing a referendum would likely pursue a referendum on whatever licensing component was passed by the Council.
- Councilor Travis Hoban was concerned if the proposal would prohibit a business from opening at a prime location, simply because a neighboring restaurant has a beer license.
- Mr. Harding explained that the committee hoped to consider these kinds of ramifications during their discussions. He favored a holistic approach.
- Councilor David Shipley was against making licensing harder for restaurants. He was in favor of simplifying and consolidating city code to align with state code, but he was concerned about the implications of density restrictions. He wanted to be cautious to make sure that if restaurants are included in those figures that the results would not push out restaurants that we want to have in our community. Mr. Shipley liked the intent of the density proposal, but he did not understand all the practical impacts at this point.
- Mr. Handley did not necessarily want to limit restaurants, but he thought the CDC data was important and compelling, regarding the avoidance of creating drinking districts.
- Ms. Ellsworth reiterated that the first proposal did not concern restaurants. If there were a referendum initiative, she thought it would be helpful for the public to understand that the referendum was just about brewpubs.

Mr. Jones added some further clarification on this discussion. If the committee proposed applying a density restriction to brewpubs that would not apply to restaurants, the land use ordinance needed to clearly articulate the differences between those uses and their findings about those differences. Mr. Jones also noted that if the Council were to go with the second proposal, he recommended splitting it into two ordinances to be approved in the same meeting—one ordinance would create the Class F license and impose density restrictions; the other would address the inconsistencies between city and state code. If members of the public pursued a referendum initiative, that could be isolated to the Class F license ordinance, while still allowing for the revisions needed to bring City code into compliance with the State's regulations.

Councilors discussed the topic further and shared additional comments, including:

- Mr. Hoban thought the state evaluated the relationship between density and population; he wondered if there was a reason the committee was looking at distance versus population.
- Ms. Ellsworth shared background information on this question. There are two ways to restrict density: by population or by physical proximity. Initially, the proposal had been to use both, but now she just recommended using distance. She noted that regulating by population can be somewhat arbitrary; as Provo's population grows, it could permit more and more locations to sell alcohol or beer. In contrast, by using a distance measure, the total number of outlets eventually maxes out. The way the distance requirements are crafted can still leave room for flexibility (such as not permitting establishments to be next-door neighbors but allowing them to locate across the street from each other).
- The entire subcommittee agreed that they did not want a district for bars; both proposals would exclude that kind of district formation.

Mr. Jones also clarified that the citizen group was likely not going to pursue getting signatures for a referendum on the previously approved land use ordinance; because the signature threshold was lower for the licensing issue, the current speculation was that the group may submit a new referendum petition once the Council passed licensing provisions. Mr. Jones noted that the possibility could have strategic implications that the Council may wish to consider or simply be aware of as they move forward with decisions. He clarified that if the licensing issue were passed after April 30, then any referendum on that item would not appear on the ballot until November 2021, which would draw out the discussion considerably. Mr. Fillmore thought in any event that it would be helpful for citizens to understand the issues in aggregate, so that they could make more knowledgeable decisions in casting a ballot.

Motion: David Harding moved that the Council direct the subcommittee to come forward by April 14 with a proposal that would create a Class F license to address brewpubs and align and streamline city code to reflect the state code. Seconded by George Handley.

Substitute Motion: Shannon Ellsworth moved to instruct the Alcohol Licensing subcommittee to create a proposal for a Class F brewpub license before April 14, and after April 14 to create a proposal that would conform the Class B and C licenses to state code and address any other necessary or desired updates before October 1. Seconded by Travis Hoban.

Ms. Ellsworth clarified the intent of her substitute motion; it would handle the code cleanup after April 14 and would not instruct the committee to create densities, as she was not comfortable instructing the committee to address anything related to Class B and C licenses. Mr. Fillmore asked Mr. Jones for clarification about whether a business could obtain a license that would then have vested rights prior to the Council's implementing density restrictions. Mr. Jones said that could be a new possibility, as the subsequent regulation could only be applied to new applications. Ms. Ellsworth did not think there was going to be a large influx of applicants; in Springville and Lehi, where brewpubs have been permitted for several years, each city has only received one or two applications in that time frame. Ms. Ellsworth expressed that she was interested in limiting brewpubs based on proximity and she thought it would require a more thoughtful exploration than would be possible by April 14.

Mr. Handley called for a vote on the substitute motion:

Vote: Failed 3:4, with George Handley, David Harding, Bill Fillmore, and David Sewell opposed.

Mr. Handley called for a vote on the original motion:

Vote: Approved 6:1, with Bill Fillmore opposed.

4. A presentation from the Joaquin Parking Committee. (20-074) (2:08:57)

Hannah Salzl, Policy Analyst, presented. She noted that the tentative cost analysis for the program would be included in a budget presentation the following week by Gary McGinn, Director of Community and Neighborhood Services. Ms. Salzl outlined the parking program proposal and how the permit program would work. Mr. McGinn was also present to answer questions regarding the budget and the implementation for his department.

Councilors expressed appreciation to the committee for their work, as this looked like a great approach to the parking issues in Joaquin. Ms. Salzl and David Harding, Joaquin Parking Committee Chair, answered additional questions about various aspects of the program:

- The \$30 permit fee would be for a year.
- Staff were evaluating mobile payment systems; a similar system was used at the Provo Airport. Ideally, the solution could be scalable to downtown in the future. The intent was to have a payment process that was user-friendly, allowing users to pay by phone, over the internet, or through an app. Metered parking would be set at a dynamic market rate.
- Under the program, permits would be transferable. The current plan is for landlords to purchase passes and allocate them to students (thus the landlord would deal with transferring passes to new tenants).
- Ms. Ellsworth asked whether there were a mechanism to restrict the number of parking spots for landlords who did not provide adequate parking for their tenants. Ms. Salzl suggested further discussion outside of the Work Meeting. *Presentation only.*

5. A discussion regarding updating the General Plan. (20-068) ([2:22:37](#))

Robert Mills, Planner, presented. He shared recommendations from the Planning Commission regarding the long-term planning for the city, to simplify and update the General Plan to make it more relevant. The City would employ a consultant for the new General Plan through the Community and Neighborhood Services Department.

Councilors shared comments and feedback. Councilor Shannon Ellsworth liked the idea of having a high-level general plan that still provided enough depth to guide land use decisions. Ms. Ellsworth expressed confidence in the Planning Commission members and their professional expertise; she was also in favor of empowering the Planning Commission to do more long-range planning as opposed to handling administrative decisions and paperwork. Councilor Bill Fillmore also expressed support for a new General Plan with fresh perspectives. Councilor George Handley supported Ms. Ellsworth's and Mr. Fillmore's comments. Mr. Handley felt it was important to communicate to the Administration that this was a priority to the Council so that it could be included in the budget. Councilor David Harding also supported the approach presented. He hoped that the City's exceptional planning staff would also be an asset to the process with their expertise as they know Provo's needs best. *Presentation only.*

Administration

6. A resolution appropriating \$4,900,526 in the Airport Fund for the acquisition of land near the airport, applying to fiscal year ending June 30, 2020. (20-067) ([2:30:56](#))

Tara Riddle, Property Manager, presented. Ms. Riddle shared background details of the Durrant property near the Provo Airport. The final purchase price is \$165,000 per acre. Ms. Riddle outlined the earnest payment and closing costs. They would like to close on the property on or before June 1, 2020. Mr. Durrant has started terminating the agricultural leases on the property. Mr. Durrant will also be responsible for removing the environmentally sensitive items. The City as purchaser will remove remaining structures after tenants have been removed.

Steve Gleason, Airport Manager, highlighted additional reasons for the property acquisition. Activities currently taking place on the property present security risks for TSA as well as FAA violations. The airport has reached capacity for corporate hangars, so expansion in neighboring areas is advantageous. Mr. Gleason also noted that when the City purchases property for the airport, it can be used toward matching requirements for FAA grants. Mr. Gleason explained more background details about FAA grants and the City's matching requirements. Mr. Gleason also outlined the potential uses of this property in addition to a grant-match funding source.

John Borget, Administrative Services Director, shared background details regarding fund balance, which allows cities to build some savings or a buffer into their budgets to prepare for a rainy day (which could be a recession, lower revenues, natural disaster, legal claims, etc.). The State has placed upper and lower limits on fund balance. If purchased using fund balance, the City's fund balance would drop to 17% or to its fiscal year 2012 level. It could also possibly impact the City's bond rating. It would take several years to build the general fund back up to its current level, which could also set the City back financially in a recession or another unforeseen event. Mr. Borget shared some other potential funding sources: selling another property owned by the city, using fund balance for an outright purchase, or an interfund loan over 10 years from the Energy Department. Mr. Gleason added that the property would likely not generate revenue immediately, but they would want to get the property up and running for commercial leases, which would bring in several revenue sources through fuel, use, and leases.

Councilor George Handley commented that he was not comfortable using fund balance at this time and he would be more supportive of pursuing an interfund loan. In response to a question from Councilor Travis Hoban, Mr. Borget expressed reservations about using fund balance given the financial uncertainty at present. Mr. Borget noted that if the Council wished to pursue an interfund loan, that it would need to be set for a future date to be properly noticed.

Motion: George Handley moved to request staff to bring back a proposal for an interfund loan from the Energy Department to fund this land purchase and that the Council consider it in an upcoming Council Meeting. Seconded by Bill Fillmore.

Vote: Approved 7:0.

7. An update on the City Center Project. (20-013) ([3:07:27](#))

Scott Henderson, project manager, presented. Mr. Henderson shared some of the unique characteristics and challenges of this project. Chief Jim Miguel, Provo Fire Department, shared background information on the fire station in central and downtown Provo. As density continues to increase downtown, the Fire Department would like to do their first-ever Provo Fire & Rescue Facilities and Staffing plan, to assess the needs of the growing community for fire services. As more growth occurs in west Provo, there are also impacts for the airport and broader community needs to consider. The Fire Department would be asking the Council to fund a study to determine the best locations for fire stations based on different growth and density patterns. Given the potential redevelopment of the downtown site, they believed they needed a fire station downtown, but wanted to ensure that it was located properly, realizing that a location slightly to the north or west may have implications for their future planning.

David Walter, Redevelopment Division Director, highlighted potential uses of the property downtown. Mr. Henderson invited the architect, Brent Tippetts of VCBO, to share further details on the facility design. In response to a question from Councilor George Handley, Mr. Tippetts addressed the sustainable elements of the building design and operation. Councilor Shannon Ellsworth asked about the exterior of the building and what pedestrian-friendly elements it featured. Mr. Tippetts shared more details about the access points, parking, and ADA accessibility. Councilor David Harding was concerned about a couple of areas which seemed cramped in the renderings. Ms. Ellsworth also shared comments on the open stairs concept, which she noted may not be well-suited to users wearing skirts or dresses. Ms. Ellsworth loved that the architects had added a parents' lounge. Mr. Tippetts and Mr. Henderson thanked the Council for their comments and feedback. *Presentation only.*

Policy Items Referred from the Planning Commission

8. A brief explanation and overview for the Municipal Council on the Central Corridor Transit Study. The Transportation and Mobility Advisory Committee is also invited to participate with the Council. (20-065) (3:42:10)

Dixon Holmes, Assistant CAO, and Mary DeLaMare-Schaffer, UTA Regional Manager, presented. Ms. DeLaMare-Schaffer reviewed the ridership statistics for UVX. Before the coronavirus pandemic, they were regularly reaching over 12,000 boarding riders on average per day. Even during the pandemic, UVX has continued to serve critical populations, notably the non-student contingent of the community. Since transit projects are expensive, this Central Corridor Transit Study will identify future transit needs of Utah County, building on Mountainland Association of Governments' Regional Transportation Plan, the success and continuation of UVX, and existing transit service in the area. Ms. DeLaMare-Schaffer also noted the importance of working with cities for growth patterns and land use decisions that were mutually beneficial with transportation improvements. Councilors were supportive of the efforts and shared their comments to that effect. *Presentation only.*

9. An ordinance amending the Provo City General Plan relating to The Transportation Master Plan. Citywide Application. (PLGPA20200038) (4:01:24)

Shane Winters, Traffic Engineer, introduced the presentation. Mr. Winters referenced the revisions to the Transportation Master Plan based on feedback from the Council. They wished to see whether the revisions sufficiently addressed the Council's concerns so that the master plan could move forward. Mr. Winters noted that the consultants have considered the Council's feedback and incorporated their comments, while not overhauling the draft plan entirely. Mr. Winters invited questions and comments from Councilors.

Councilors shared comments including:

- Councilor Shannon Ellsworth was concerned about connectivity in south Provo, particularly the East Bay and southeast areas on opposite sides of the train tracks. Mr. Winters explained that the old city dump, railroad tracks, and the railroad switching yard present significant barriers to direct connectivity. Mr. Winters explained that any connection points would need to be grade-separated; due to having the switching yard,

the distance makes that kind of project even more expensive. Mr. Winters noted that these same challenges exist for southward expansion of the Frontrunner. Although the east-west connectivity is difficult, he noted recent improvements in collaboration with UDOT on 300 South and the trail system on South State Street, which will help with north-south connectivity. He also noted that 1860 South was in good condition and no further improvements were planned there. Ms. Ellsworth registered her concern about connectivity, accessibility, and mobility for this area of the City; she simply worried that if it was not made a priority, the challenges would always exist.

- Councilor David Harding suggested referencing the bicycle master plan directly.
- Councilor Travis Hoban shared his concerns about the \$70 million line item for 820 North. He felt the data did not justify the expense to widen that section, as it is projected to have sufficient capacity even in 2040 and 2050. Mr. Hoban thought that the community would be more broadly supportive of a bridge over the train tracks, which would do a lot more to increase access in that area. Mr. Winters addressed Mr. Hoban's questions as well as some from other Councilors. The 820 North project has been split into three phases, to better illustrate the distinct elements of the broader project: the 900 West bridge replacement; widening 820 North from 500 West to Geneva Road in the sections outside of the bridge [to make the road consistently 3-lanes through this corridor]; and a grade-separated crossing for the railroads and UTA. The grade-separated crossing alone would cost between \$20 million and \$30 million.
- Mr. Hoban thanked Mr. Winters for clarifying the unique phases of the project. Mr. Hoban was still concerned about the exorbitant expense of the second phase to widen that corridor; he worried that this large funding allocation was not necessary based on data and he worried that the City would continue to make choices based on this inaccurate assumption. Even if the project were grant-funded, that would still represent an opportunity cost to the City of not having grant funds for other projects.
- Wayne Parker, CAO, shared some insight about the long-range planning process for the General Plan and transportation planning. Mr. Parker noted that as the City works on a rewrite of the General Plan, it would be a critical opportunity to reevaluate the transportation perspective embodied in the General Plan. Engineering staff offered additional clarification about the past process which brought the Transportation Master Plan to its current iteration, including impact fee and capital projects plans and studies.
- Councilor George Handley was interested in less specific language for some of the longer-term projects; he suggested that those ambitions be expressed more with policies and principles. His intent was not to compromise future projects and funding, but to acknowledge that priority of specific projects may change based on changes to the guiding principles employed by the City. Mr. Handley also felt strongly that the City needed to aggressively pursue and promote alternative modes of travel other than cars.
- Councilor David Harding noted that as Provo is the heart of Utah County, it would be important to find alternatives to 820 North for regional connectivity; it was important to keep the entire county in mind when considering transportation and connectivity in Provo, as there were implications for Provo's daytime traffic.
- Vern Keeslar, consultant with Parametrix, clarified that the 820 North project does not at this time contemplate a connection to I-15 or changes in land use/redevelopment; any of these factors would impact the accuracy of their modeling and projections.

Presentation only. This item will be brought back to a future Council Meeting.

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.

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.