



PROVO MUNICIPAL COUNCIL Work Meeting Minutes

1:00 PM, Tuesday, August 18, 2020

Electronic meeting: [youtube.com/provocitycouncil](https://www.youtube.com/provocitycouncil)

Agenda ([0:00:00](#))

Roll Call

The following elected officials participated:

Council Chair George Handley, conducting
Council Vice-chair David Harding
Councilor David Shipley
Councilor Bill Fillmore
Councilor Shannon Ellsworth
Councilor Travis Hoban
Mayor Michelle Kaufusi

Excused: Councilor David Sewell

Prayer

The prayer was offered by Councilor Travis Hoban.

Approval of Minutes

March 31, 2020 Work Meeting
April 14, 2020 Work Meeting
April 21, 2020 Work Meeting
May 5, 2020 Work Meeting
May 7, 2020 Town Hall on the Critical Hillside Overlay
August 4, 2020 Work Meeting
Approved by unanimous consent.

Business

1. A joint discussion with the Planning Commission regarding the process of updating the General Plan. (20-068) ([2:22:17](#))

Robert Mills, Planner, presented. Mr. Mills gave a brief update on the RFP and the consultant selection process. Several Planning Commissioners participated in the discussion, including: Deborah Jensen, Lisa Jensen, Brian Henrie, Laurie Urqiaga, and Daniel Gonzales. Councilors and Commissioners shared comments on the process, including:

- Deborah Jensen explained that one reason the current general plan was not succinct was because it had been subjected to piecemeal revisions over an extended period of time.

She also noted that this update was an intensive process that would require more time than the volunteer planning commissioners could dedicate on their own.

- Lisa Jensen and Laurie Urqiaga both suggested that the general plan be very user-friendly and avoid use of complex legal jargon.
- Brian Henrie thought that the general plan should inspire people to want to live, develop, and work in Provo—he thought it should inspire the public about what Provo could be.
- Councilors and commissioners discussed other elements of the general plan. Transportation, sustainability, and smart growth were some of the important components for Councilors.

The consultant on the project would be chosen by a selection committee. Councilors were invited to participate if interested. **Presentation only.**

2. A presentation regarding an update from Valley Visioning. (20-111) ([1:47:10](#))

Cameron Martin, Ari Bruening, and Ryan Beck presented. They highlighted background details on the Valley Visioning process. The process began in 2018 and was a planning tool for the Utah Valley area to articulate the community's vision for the future. There has been a robust public process to involve the public, as well as organizations and other entities in the area which were major contributors in the community. **Presentation only.**

3. A discussion regarding ranked-choice voting. (20-113) ([2:02:22](#))

Stan Lockhart presented. He shared details about ranked-choice voting, which was used in Utah party conventions in 2020. He highlighted the experience of using RCV in Payson and Vineyard, which piloted its use in municipal contexts in Utah County. He contrasted the demographics of the two cities, Vineyard a new and fast-growing community, while Payson is an old legacy city with pioneer roots. Both cities have very different voting populations, but both had very successful experiences with RCV. Mr. Lockhart highlighted other benefits of RCV, including shorter and less expensive campaigns. **Presentation only.**

4. A discussion regarding face masks in public with regards to COVID-19. (20-114) ([0:15:12](#))

Council Chair George Handley introduced this item, which had been requested by Councilor David Sewell, due to concerns shared by several Councilors. Mr. Handley welcomed Drs. Ben Abbott and Chantel Sloan, two researchers from BYU. Dr. Sloan is an associate professor in the BYU Department of Health Sciences. Both Drs. Sloan and Abbott were collaborating with several other professionals in the BYU community on modeling data during the pandemic. They shared details of their research and their primary concerns for the BYU and Provo community.

Dr. Abbott explained that masks were highly effective at reducing the spread of COVID-19. There are no serious side effects to wearing masks and there is no scientific basis for such claims. Dr. Sloan emphasized that BYU and Provo needed to be partners in reducing COVID-19 spread. A university community is so interconnected; they expect major outbreaks regardless of large gatherings. Most outbreaks will occur among people who are compliant, but simply because of the way viruses work by using the interconnectedness of social networks and within households. Student housing is unique because it is so dense, and because students who live

together also interact with other people on campus, on transportation, at work, in social settings. Many BYU faculty or staff have children in local schools, spouses who work in the community, and both students and faculty patronize local businesses. A mask requirement would have a significant impact on the ability to control community spread of the virus. Their modeling used BYU course enrollment data and the probability of transmission based on public health data. Dr. Sloan noted how other factors could impact trends. She emphasized the importance of focusing on the magnitude of change, rather than raw numbers, as a more accurate forecast.

Brian Jones, Council Attorney, reviewed the powers delegated to City officials by the State. He noted that the existence of a local health department did not exclude cities from regulating health-related issues, such as during a pandemic. Mr. Jones noted that the state legislature had enacted special COVID-19 provisions, one of which stated that cities could not be more restrictive than the state in their COVID-19 legislation or executive action. The current executive order stated that cities must obtain prior approval from the Utah Department of Health if a city desired to adopt a mandatory face covering requirement. Mr. Jones briefly reviewed what measures other cities in Utah have taken. Councilors discussed the possibilities and what type of parameters and enforcement would be appropriate.

Councilors asked questions and discussed the matter. Their comments included:

- In response to Councilors' questions on enforcement and the cost-benefit tradeoff, Drs. Sloan and Abbott explained that signage makes an impact. Even without proper enforcement, a mandate reduces pockets of non-compliance which perpetuate outbreaks. Data has also shown that with a mandate, there is about a 15-20% increase in compliance.
- Several Councilors expressed concern that the City has not acted soon enough and felt that the City needed to act as soon as possible. Both Councilors Shannon Ellsworth and Bill Fillmore thought an emergency meeting was appropriate under the circumstances; the health and safety of its citizens was a primary concern of local government. Councilors George Handley and David Harding felt more of a sense of urgency given that BYU and public schools were reopening in a matter of weeks. Councilors also felt that other areas of the county were looking to Provo as an example and doing nothing set a bad precedent.
- Mayor Michelle Kaufusi shared a prepared statement summarizing her comments. She indicated that she was not amenable to enacting a mandate, unless one came from the governor or Utah County Health Department, in collaboration with BYU leadership.
- Police Chief Rich Ferguson felt that enforcement was not a realistic means of achieving compliance with any mask mandates. He felt education was a better approach.
- Mr. Jones outlined several possible options the Council could pursue. Councilors supported issuing a Council statement and scheduling a special meeting.

Motion: Bill Fillmore moved to schedule a special Council Meeting for Thursday, August 20, 2020, at which the Council would further discuss and possibly vote on final action in the form of a resolution or ordinance regarding masks, and to authorize staff to post on Open City Hall a topic requesting community feedback on the issue. Seconded by David Harding.

Vote: Approved 6:0, with David Sewell excused.

Policy Items Referred from the Planning Commission

5. **An ordinance amending Provo City Code to correct an inconsistency and clarify accessory living spaces as a permitted accessory use in the PRO-R-9 Limited Density Residential (LDR) Zone. Citywide Application. (PLOT20200162)** *This item was already scheduled for the Council Meeting on August 18, 2020; the presentation was continued to that meeting.*
6. **An ordinance amending Provo City Code to reduce the minimum lot depth in the Low Density Residential (LDR) and Very Low Density Residential (VLDR) Zones. Citywide Application. (PLOT20200208)** *This item was already scheduled for the Council Meeting on August 18, 2020; the presentation was continued to that meeting.*
7. **An ordinance amending the zone map classification of approximately 14 acres of real property, generally located at 1164 South 1600 West, from Agricultural (A1.5) to Residential (R1.7). Sunset Neighborhood. (PLRZ20180029)** *This item was already scheduled for the Council Meeting on August 18, 2020; the presentation was continued to that 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.

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

Vote: Approved 6:0, with David Sewell excused.

Adjournment

Adjourned by unanimous consent.