

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 Minutes

12:00 PM, Tuesday, March 02, 2021

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

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

#### Roll Call

The following elected officials participated:

Council Chair David Sewell, conducting  
Council Vice-chair David Shipley  
Councilor George Handley  
Councilor Shannon Ellsworth  
Councilor David Harding  
Councilor Travis Hoban  
Councilor Bill Fillmore, arrived 1:00 PM  
Mayor Michelle Kaufusi, arrived 12:05 PM

#### Prayer

Councilor George Handley offered the prayer.

#### Approval of Minutes

August 13, 2020 Joint Meeting with Provo School District  
January 12, 2021 Joint Meeting with State Legislators  
February 2, 2021 Work Meeting  
*Approved by unanimous consent.*

#### Business

**1. A presentation regarding Community & Neighborhood Services fiscal year 2021-2022 budget. (21-015) ([0:11:08](#))**

Gary McGinn, Community and Neighborhood Services Director, presented. Most of the functions of the department support quality of life throughout the city, including code compliance, long-range planning, and parking. Mr. McGinn shared statistics regarding code enforcement cases in the past year or so. In response to a question from Councilor Shannon Ellsworth, Mr. McGinn indicated that occupancy cases included illegal accessory dwelling units. Mr. McGinn also highlighted the current projects for the long-range planning division, including the general plan, updates to the southeast area plan, and the parking management plan. Many of

the land use boards and commissions are closely linked with the department as well. The Community Development Block Grants and HOME Consortium programs are also important department functions that provide benefits to residential areas of the city. Mr. McGinn highlighted several budget needs, including additional license plate readers, parking enforcement officers, administrative support staff, and replacement of handheld radios. *Presentation only.*

**2. A presentation regarding the Parks and Recreation Department's fiscal year 2021-2022 budget. (21-015) ([0:34:25](#))**

Scott Henderson, Parks and Recreation Director, and several department staff members presented. Mr. Henderson shared a video presentation highlighting the department's accomplishments with regard to the City's General Plan goals. The Parks and Recreation Department experiences a high rate of citizen participation in their services and offerings. Throughout the pandemic, their facilities have seen increased use as more people have taken their activities outside. Mr. Henderson noted that they were watching potential changes to the minimum wage by Congress as this would likely impact their operations.

Doug Robins, Parks and Recreation Assistant Director, shared details of some recent and forthcoming parks projects throughout the city. Recent projects included improvements to the Provo River Trail, the cemetery expansion project, pickleball courts in Grandview's Rotary Park, and the unlimited play center at North Park. These projects were facilitated continually by the exceptional talent and skill of department staff. Parks and Recreation also manages weed abatement for city properties and snow removal for city building parking lots and facilities, as well as the department's recreation sites. Mr. Robins noted that city and county residents increasingly continue to use the trail systems and sports programs. The forthcoming regional sports park will be a huge asset to the community as well, by further diversifying Parks and Recreation's offerings and incorporating neighborhood park elements into the design as well. Mr. Robins and Mr. Henderson noted that maintenance needs to be factored into the long-term costs for park facilities, including the maintenance cost estimates of landscaped elements.

Staff shared a map illustrating the level of service for parks facilities throughout the city. This was based on acres of public park land and 2020 population data. The accessibility of a park was gauged by identifying the radius of the surrounding area which was within a 10-minute walk. The mapping tool also accounts for geographic barriers, so it is very tailored to pedestrians.

Mr. Henderson highlighted the ways in which the department's special events functions have adapted during the pandemic and have been a continuing source of inspiration for other cities. He underscored the importance of continually investing in Parks and Recreation facilities such as the recreation center. The Peaks Ice Arena has continued to operate during the pandemic, with in-depth contact-tracing in place to mitigate the spread of disease. Mr. Henderson also noted the department's past efficiency and budget responsiveness during an uncharacteristic period with some lost revenue during the pandemic.

Councilor George Handley highlighted several areas which continued to activate community members, including the Rock Canyon master plan, Slate Canyon, and trail development. He wondered whether Parks and Recreation could formalize a community volunteer program in

order to leverage community interest during key opportunities such as ecological restoration projects or trail improvements. It seemed like an area of untapped, or simply underutilized, potential. Councilor David Shipley asked about the funding schedule of the regional sports park and its slated completion date—was the completion scheduled for 2026 because they still needed to secure additional funding or were the funding resources adequate and it would simply take that long for the completion. Mr. Robins indicated that the timeline was due in part to the time required for the turf to grow in before the park is operational. Mr. Henderson spoke to the funding plan; he indicated that a solid funding plan was in place, but there may be minor adjustments along the way. Mr. Shipley also commended the department for implementing the Triple Play program, which was innovative and a fantastic community asset. He wondered whether some of the Recreation Center’s Triple Play revenues were diverted to the golf course and ice arena to compensate those venues. Mr. Henderson explained that with the Triple Play program, the membership was administered by the Rec Center, but the program granted access to three facilities. A portion of the total revenues was remitted to the ice arena and golf course commensurate to the amenities and improvements made in those venues. Councilor David Harding asked about tree maintenance in the City; Mr. Robins explained that Provo Power only tended to trees under power lines, while the Parks and Recreation Department cares for over 400 trees on City parks and properties. Mr. Harding also shared observations concerning the parks level of service. Several Councilors shared comments and compliments on the Parks and Recreation Department’s operations. *Presentation only.*

**3. A presentation regarding Administrative Services for Finance, Justice Court, and Facilities for fiscal year 2021-2022 budget. (21-015) ([1:35:40](#))**

John Borget, Administrative Services Director, presented. Mr. Borget highlighted some of the impacts of COVID-19 on the current year’s budget, as well as the receipt of grant funds from various sources with various rules and guidelines, including CARES Act, airport CARES Act funds, and Federal Aviation Administration grants. Due to the pandemic, City departments had to make difficult decisions to properly prepare for the unexpected. He noted that while their current budget was adequate, they hoped to restore their training budget as ongoing training and professional development was critical for the Finance Division. Mr. Borget also noted that they did not receive funding for any supplemental requests in the current fiscal year. Mr. Borget highlighted several accomplishments in the past year regarding cybersecurity and continued changes the department would institute across the City to shore up cybersecurity protections.

ReAnnun Newton, Justice Court Administrator, highlighted the core functions of the Justice Court and noted the impacts of the pandemic to their operations. Due to the hiring freeze, they have not filled one position in the division, but will do so in the future when the hiring freeze has been lifted and it makes sense to do so. Ms. Newton also highlighted the transition plans for the different COVID-19 transmission levels, which would follow a step behind the Utah County level due to the restrictions on warrants and related concerns.

Dick Blackham, Facilities Services Manager, highlighted the division’s support of several General Plan goals with regards to sustainability and maintenance of city facilities, all made possible by their knowledgeable staff. Construction of the new city hall was slated for completion in mid-2022. The project will meet a high standard for energy efficiency, net zero

status, creative design, community involvement, and cost consciousness. Councilor Shannon Ellsworth asked whether there were any concerns with the budget for the new city hall construction. Scott Henderson, Project Manager, explained that the contractor's bid included a guaranteed maximum price and things were in good shape. With any project of this size or scale, they would continue to carefully evaluate progress and make any needed adjustments when it came to fixtures and furnishings. *Presentation only.*

**4. A presentation regarding Fiscal Year 2022 General Fund Revenue Projections. (21-015) (2:01:04)**

David Mortensen, Budget Officer, presented on general fund budget revenues and forecasts for the coming fiscal year. In the current fiscal year, Mr. Mortensen noted that actual revenues have been slightly above the projections. Sales tax growth has been steady, even as other revenue sources dipped due to the pandemic. Mr. Mortensen responded to several questions clarifying the projections and budgeted figures, noting that Finance follows a conservative budgeting process so as not to over-commit funds. While revenues are up, there are also already identified costs which will be critical to fund in the coming fiscal year; many of these relate to HR functions which were scaled back during the pandemic, as well as some capital expenses for the Recreation Center. In response to a question from Mr. Harding, Mr. Mortensen explained the distinction between merit increases and the annual pay grade market study. *Presentation only.*

### **Administration: Mayor's Update**

**5. A presentation regarding the Legacy CIP funds and the future allocation of those funds. (21-037) (2:31:05)**

Wayne Parker, CAO, presented. This item was the continuation of a previous discussion and Mr. Parker hoped to answer questions Councilors had raised about the process for selecting projects for the Legacy CIP. Mr. Parker noted that in addition to the level of service map previously shared by Mr. Robins, he had an interactive map illustrating other elements in the level of service calculations and considerations. Mr. Parker highlighted criteria which factored into the decision:

- Legacy: Will it make a difference in 25 years?
- Planned: Is it in the Capital Improvements Plan?
- Priority: Is it something the public tells us is important?
- Probability: Is it not likely to be funded in some other way?
- Broad benefit: Does it provide benefit to the city broadly and not just to one area?
- Economic Development: Does it improve economic vitality?

Councilors asked for clarification on aspects of the criteria and how projects were prioritized. Councilor Shannon Ellsworth questions why the Canyon Road Park had broad benefits, but other parks did not. Mr. Parker explained the gap left by the sale of Timp-Kiwanis Bounous Park as the reason. In response to a question from Councilor David Harding regarding the grocery store funding, Mr. Parker offered further clarification on how those funds would be used. Mr. Parker then shared an interactive map highlighting the level of service for city parks. This map expanded on that shared by Mr. Robins in the Parks and Recreation budget presentation, in that it had several different overlays and ways of visualizing the data. The map also illustrated in a

different color the parks planned in future CIP development. One of the data overlays illustrated the source of recreation sports signups, many of which spilled over into Orem.

Councilors shared comments regarding the projects proposed for the Legacy CIP fund. Ms. Ellsworth suggested population density be factored into the level of service calculation for city parks. She noted the funds recently appropriated to two private parks in the Edgemont Neighborhood, as well as the presence of the Edgemont Stake Park belonging to the Church of Jesus Christ of Latter-day Saints. She wondered how these quasi-public/quasi-private parks should factor into the level of service considerations. Mr. Parker and Mr. Robins elaborated on this; because those other parks were privately owned, it is more difficult for the City to predict longevity and reliability of those facilities. Mr. Parker noted that in many cases, those parks provide minimal open space and a pavilion space; there is not the capacity for casual or organized sports play that a neighborhood park is better able to accommodate. Mr. Robins also noted that in recent years, the perspective regarding placing schools and parks in proximity has changed; the security issues become complicated as those parks are often inaccessible to the public during school days. In order to best and most appropriately plan for the City's parks, they have focused their calculations only on city-owned properties that are always publicly accessible.

Mr. Harding noted the impact of street design on walking distances and barriers. He also noted that BYU has a significant amount of green space on campus; Mr. Wayne assented that BYU does provide green space for on-campus residents through a combination of campus public spaces and intramural fields. Mr. Harding also shared comments about the process and commitments made during the sale of Bounous Park; part of his concern was that there seemed to be a significant gap between the sale price of Timp Kiwanis Bounous Park and the projected costs for the Canyon Road Park. The map tool was very helpful in illustrating gaps in the current amenities and for identifying how future parks can be geared toward providing great service where it was most needed. Councilor George Handley shared additional comments on the Timp Kiwanis Bounous Park sale, noting how it was an unprecedented action and he felt that expediting the Canyon Road Park was an important gesture to that area of the Provo community.

Council Chair David Sewell asked whether Councilors felt they now had enough information about the process by which projects were identified and selected for the Legacy CIP. He wondered whether the Council wished to have more time for discussion before scheduling a decision on the remaining items. Councilors appreciated the explanation behind the process and several indicated that they were satisfied with the further information they had received. There was some discussion on whether the last \$2 million needed additional time and study. Mr. Parker noted that as with any CIP budget, once funds are designated for a specific project, the City cannot use them for a different purpose without first returning to the Council for authorization. Any unutilized funds are returned to fund balance at the completion of a project. ***Presentation only. This item will be brought to a future Council Meeting.***

**6. A presentation regarding a budget appropriation regarding the Sales Tax Increment reimbursement post performance payment to Days Market. (21-038) (3:16:07)**

Keith Morey, Economic Development Division Director, presented. He noted details from the post-performance reimbursement agreement with Day's Market to facilitate construction of

improvements to the store, which has really opened up the space. Mr. Morey highlighted the details of the reimbursement amount, based on the performance of the store following construction. *Presentation only. This item will be scheduled for a future Council Meeting.*

**7. A presentation regarding the Small Cell Rate/Electric Vehicle Charging Stations. (21-034) ([3:18:40](#))**

Travis Ball, Provo Power Director, presented. In response to a question from Councilor George Handley, Mr. Ball explained that a small cell is used by telecommunications companies to provide 5G or broadband services for cell phone users. In response to a question from Councilor David Harding, Mr. Ball explained the logic behind charging a standard residential rate on electric vehicle charging stations. Councilor David Shipley asked whether charging stations would need to be retrofitted in order to accept payments; Mr. Ball indicated that they are free to use right now, but require an app. Integrating a payment system using the existing app will be simple to do. He noted that under the grant program used to install the charging stations, there are no fees associated with the program so they can charge the regular energy rate without the complications of merchant services fees. Councilors shared comments on the benefit of charging a nominal rate for use of the vehicle charging stations; free use of charging stations by residents monopolizes the resource and may prevent visitors from being able to charge their vehicles for their return trip to their point of origin. Setting the rate at the regular residential rate would encourage responsible use. *Presentation only. This item will come to a future Council Meeting.*

**8. A presentation regarding Provo City's Master Parking Plan. (21-035) ([3:27:35](#))**

Councilor David Harding presented and reviewed an earlier discussion on parking. He hoped to establish whether the Council was still supportive of the guiding documents which were in place regarding parking management in the City, and if so, to discuss the plans for implementation. Councilors discussed the parking policies and direction of the City's parking management. There was a general consensus of support for the existing policies and plan and a desire to expedite implementation of such. Several Councilors reiterated their support of hiring a fulltime parking administrator. Councilor George Handley shared concern about the structure of the position, which had previously split a fulltime equivalent to half parking administrator and half sustainability coordinator—he felt that the part-time nature of each role impeded the ability of that staff member to be effective in fulfilling both responsibilities successfully. Gary McGinn, Community and Neighborhood Services Director, highlighted how the position had operated and how the funding designated for that position was being used while the position was vacant.

Councilor David Shipley highlighted how the Parks and Recreation Department is cognizant of their department as a financial entity, not just as a part of the city. He felt that this was the intent of the guiding principle regarding financial viability of the parking management plan and was supportive of the steps needed to reach that goal. Councilor Shannon Ellsworth echoed these comments and hoped to see the necessary shifts in leadership and operating paradigm to enact the necessary change for parking in Provo. She hoped hiring a fulltime parking coordinator would not eliminate or negate the plans for a sustainability coordinator. She noted that during her campaign, many constituents touted parking and code enforcement as important issues. Isaac Paxman, Deputy Mayor, issued a stern warning with regards to budget programming and

important public safety needs that would be neglected by diverting funding to parking. Mr. Shipley clarified that he felt there were many important issues to budget toward, including public safety, but that by not making Provo's parking management sustainable, it would continue to cost the City more money each year to perpetuate and not solve the same issues. Councilor David Sewell agreed with Mr. Shipley's comments; he thought the vision of the parking management plan in treating parking as a public utility was a good one. He hoped that the City could overhaul its parking enforcement model to an economically viable revenue-neutral one.

Mr. McGinn explained that hiring a fulltime parking coordinator would require new funding because they are using the funding they have. Wayne Parker, CAO, expounded on this, explaining the redistribution of parking and sustainable responsibilities among the other fulltime planners. Hiring a fulltime parking coordinator would mean the department was down one-half a fulltime equivalent in planning. Mr. Parker also indicated that the Administration would like to share with the Council a more detailed review of the parking management plan and their accomplishments thus far relative to it.

**Motion:** David Harding moved that the Council reaffirm support for three documents (Strategic Parking Management Plan from 2015, Parking Vision and Guiding Principles from 2017, and the Downtown Parking Vision and Downtown Parking Policy adopted in 2019) discussed and support the Administration in moving forward with the implementation immediately. Seconded by Bill Fillmore.

**Vote:** Approved 7:0.

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

- 9. An ordinance amending the zone map classification of approximately .30 acres of real property, generally located at 619 N. 500 West, from Residential Conservation (RR) to Professional Office (PO) Zone. North Park Neighborhood. (PLRZ20210022) (4:09:19)**

Aaron Ardmore, Planner, presented. This rezone request is for an existing office building; the applicant has requested to rezone the property to the Professional Office zone to facilitate a small expansion of the building footprint. Councilor David Harding asked a question about the surrounding business properties, which Mr. Ardmore indicated he could answer in more detail later on during the Council Meeting. *Presentation only. This item was already scheduled for the Council Meeting on March 2, 2021.*

- 10. A presentation regarding Robert's Rules of Order. (21-036) (4:10:57)**

Brian Jones, Council Attorney, presented. Mr. Jones highlighted several key elements in the Council's rules of procedure, including reconsideration, rescission, and repeal. He noted the situation in which each of these procedures was applicable and noted distinctions between the three processes. The Council has adopted Robert's Rules of Order as their general rules of procedure, but the Council has also adopted a number of special rules outside of Robert's Rules of Order. Many of these special rules relate to the Provo City Council's specific procedure and protocol for meeting proceedings. All these rules can be found in the Council Handbook.

Council Chair David Sewell noted that the deliberative process works better if every Councilor has a chance to make their first comment before back-and-forth comments begin. He suggested that as the Chair, he would try to watch for this in the future and encourage that protocol as much as he can. Several other Councilors shared brief comments and agreed with Mr. Sewell's characterization of the benefits of that rule. *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:** George Handley moved to close the meeting. Seconded by Bill Fillmore.

**Vote:** Approved 7:0.

### **Adjournment**

*Adjourned by unanimous consent.*