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PROVO MUNICIPAL COUNCIL

Work Meeting Minutes

12:00 PM, Tuesday, September 15, 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 David Sewell
Councilor Shannon Ellsworth
Councilor Travis Hoban
Councilor Bill Fillmore, joined at 2:45 PM
Mayor Michelle Kaufusi, joined at 3:15 PM

Prayer

Councilor David Harding offered the prayer.

Business

1. **A discussion regarding possible amendments to Chapter 9.25 COVID-19 Response. (20-128) ([2:30:33](#))**

Council Chair George Handley introduced the discussion, after which Brian Jones, Council Attorney, outlined the changes that were made and reviewed the intended clarifications. Councilors shared brief feedback on the current draft of the ordinance and expressed appreciation to those who had worked on the revisions.

Motion: David Harding moved to request that Mr. Jones prepare an updated draft of the ordinance to consider as the implied motion for the Council Meeting that evening, which addressed the stated concern regarding masks being required “when social distancing is not possible, reasonable, or prudent.” Seconded by David Sewell.

Vote: Approved 6:0, with Bill Fillmore excused.

This item was already scheduled for the Council Meeting on September 15, 2020.

2. A presentation regarding budget carryovers from fiscal year 2020 to fiscal year 2021. (20-125) ([1:13:30](#))

David Mortensen, Budget Officer, presented. Mr. Mortensen reviewed the budget carryovers from fiscal year 2020, noting the major categories of these funds: encumbered funds; widely accepted past carryovers; ongoing programs, projects, and commitments; and critical equipment needs. Due to the shortfalls in revenue during this fiscal year, due to the COVID-19 pandemic, the carryovers were stricter this year. Mr. Mortensen reviewed the specific details of the proposed carryovers and funds being returned to fund balance. Mr. Mortensen also reviewed the CIP carryovers for projects in progress.

Councilor David Harding asked about the cuts that departments identified early in the pandemic and whether these carryovers reflected those cuts. Mr. Mortensen explained that these cuts are reflected in the column illustrating the remaining funds going to fund balance. Mr. Harding also asked about the full total going to fund balance; Mr. Mortensen explained that the budget ordinance authorized the Mayor to move 50% to fund balance and 50% to employee recognition, but Mr. Mortensen noted that it was not required that that happen. Some funds were diverted to employee recognition and the innovation fund, and the remainder was designated for fund balance. Mr. Harding shared comments on the structure of the budget and the amazing value that City staff provide to the City and its residents for the cost of those services. *Presentation only.*

3. A presentation regarding Best Friends Animal Society's Community Cat Program. (20-129) ([1:36:05](#))

Lydia LaSalle, Executive Director of Best Friends Animal Society of Salt Lake City, presented. Arlyn Bradshaw, a member of the Salt Lake County Council and Senior Advisor of Community Relations, participated as well. Ms. LaSalle shared background information about BFAS, based in Kanab with a robust nationwide presence. They have worked extensively with municipal and private animal shelters around the country to lower euthanasia rates and to support people and pets. She introduced BFAS' trap-neuter-return (TNR) community cat program. This program has been mutually beneficial, allowing animal control officers to effectively utilize limited resources as well as to help the community and public perception of animal issues. This program is a humane and effective solution communities have broadly supported.

Ms. LaSalle shared more details on what constitutes a community cat; these cats may be stray, feral, or simply outdoor cats, resulting from owners not fixing their pets, abandoning them when they move, or simply lost pets. The breeding cycle starts and then a few cats can populate into a feral colony. Ms. LaSalle shared data from the South Utah Valley Animal Shelter as well as the broader Wasatch Front metro area.

Brian Jones, Council Attorney, indicated that any type of memorandum of understanding regarding implementing such a program in Provo would be signed by the Mayor, not the Council. He noted that unless the Council had specific legislative concerns to approve, further action would not be needed by the Council to move forward. *Presentation only.*

4. A discussion regarding setback requirements for chicken coops. (20-130) (2:08:33)

Councilor Shannon Ellsworth presented on this issue which was raised by a constituent. Provo's law requires that chicken coops to be located 15 feet from the property line and six feet from any dwelling. If a resident does not live on a large farm, this essentially requires them to put chicken coop in middle of backyard. Constituents have raised these common concerns:

- Where can they put their trampoline if yard real estate is taken up by an ill-conceived chicken coop placement as required by city code?
- The city does not regular dog houses; why should chicken coops be so closely regulated?
- Many residents felt it was more important to have a properly or adequately sized chicken coop as opposed to observing a specific distance from the property line.
- Requiring a chicken coop to be in the middle of the yard didn't make sense what with fence lines, alleyways, and access easements. It *did* make sense to require chicken coops to be located a specific distance from sidewalks.

Ms. Ellsworth suggested that the Council refer the issue to the Planning Commission (as opposed to forming a Council subcommittee, which seemed an onerous process compared to the relative simplicity of the issue) to propose a more reasonable setback. She felt that citizens are better-served with a looser, less prescriptive recommendation. Councilor David Shipley agreed that the law as written was hard to follow; residents either don't have chickens or they ignore this requirement. He agreed that it would be good to have a way to obey the law easily and still have chickens. Councilor David Harding shared comments regarding the negative or significant impacts of changing the current language.

Motion: Shannon Ellsworth moved to ask the Administration and their staff to bring to the Council a recommendation on chicken coop setbacks. Seconded by David Sewell.

Vote: Approved 6:0, with Bill Fillmore excused.

5. A presentation regarding incentives. (20-131) (0:12:26)

David Walter, Redevelopment Agency Division Director, presented. Mr. Walter shared background details on incentives, noting that the City primarily did post-performance incentives which were contingent on the success of a specific project. He offered insight into the statistic that Utah was one of the lowest incentive-granting states. Keith Morey, Economic Development Division Director, expanded on this insight, noting that Utah did participate but typically in a limited and fiscally responsible way. Mr. Walter outlined several other types of incentive programs: façade updates, land-banking, and business and industrial park redevelopment.

Councilor David Harding commented on the incentive figures and comparisons. He also shared cautions about overuse of incentives, which could contribute to further degrading the City's tax base. There were appropriate uses for tax-incentives, but he felt the City should be very selective with use of tax-increment financing. Mr. Morey briefly responded to these comments. Councilor Shannon Ellsworth shared comments on tax-incentives as well. She felt that priority should be given to incentive opportunities that hold the most potential return-on-investment for the City as a whole, such as incentivizing job creation and human resources, as well as incentives that attract and expand or support the creation of new businesses. ***Presentation only.***

6. A presentation regarding how to run an effective committee. (20-132) ([0:50:23](#))

Cliff Strachan, Council Executive Director, presented. Mr. Strachan shared several pointers from “The On-Target Board Member” as well as additional quotes and principles on running effective committees. Some strategies for conducting effective committee-work included:

- Clear purpose, objectives, and time-frame
- Written agendas and notes
- Identify action items and plan: who will do what by when?
- Structure and intention with meetings

Councilor Shannon Ellsworth asked whether staff had feedback as to how the Council could implement these suggestions. Hannah Salzl, Policy Analyst, suggested it may be helpful to discuss these ideas in the contexts of specific committees. *Presentation only.*

Policy Items Referred from the Planning Commission

7. An ordinance amending Provo City Code to clarify amenity space requirements for developments with 20 or more residential units in the Interim Transit Oriented Development (ITOD) zone. Citywide Application. (PLOT20200283) ([2:48:22](#))

Dustin Wright, Planner, presented. This proposed language would update the amenity space requirements of the ITOD zone to more closely reflect the amenity space requirements and criteria for several other downtown zones; in response to a question from Councilor David Harding, Mr. Wright confirmed that the language was essentially taken from applicable sections in the DT1 and DT2 zones. Mr. Wright shared details of the proposed requirements, noting several updates made to reflect feedback from the Planning Commission. *Presentation only. This item was already scheduled for the Council Meeting on September 15, 2020.*

8. An ordinance amending the zone map classification of approximately 2.31 acres at 4100 N Canyon Road and 3.42 acres at 3956 N Canyon Road from Residential Agriculture (RA) to Residential (R1.10). North Timpview Neighborhood. (PLRZ20200217) ([2:52:18](#))

Aaron Ardmore, Planner, shared an overview of the properties and requested rezone. Mr. Ardmore noted how this proposal would integrate into the existing area. Staff and the Planning Commission have recommended approval. Mr. Ardmore highlighted the applicant’s intended landscaping along Canyon Road neighboring the development.

Councilor Shannon Ellsworth commented on the proposal and whether R1.10 was the most suitable zone for the area. She was concerned about the lack of integrated housing types and housing diversity in all areas of the city. Mr. Ardmore indicated that for an infill development of this nature, R1.10 was more politically expedient to garner support from the surrounding neighborhood. Ms. Ellsworth hoped the forthcoming General Plan process could incorporate a broader policy discussion of this issue; she was concerned that the City continued to perpetuate patterns of sprawl in some areas and low-income consolidation/economic segregation in others. Councilor David Harding expressed support of Ms. Ellsworth’s comments and elaborated with his own suggestions for incorporating more housing types in the area. Mr. Harding was also

concerned with the proposed landscaping and walls, noting that such designs were not conducive to pedestrian uses, as it locates pedestrians close to busy roads and creates isolated areas. Mr. Harding also commented on the concept plan's proposed cul-de-sacs and expressed his hope that the applicant would revise those consistent with the City's development policies. Mr. Ardmore shared the Planning Commission's comments on the street design, noting that they would review those considerations during the subdivision review. ***Presentation only. This item was already scheduled for the Council Meeting on September 15, 2020.***

Business

9. A discussion regarding an update on the Wastewater Loan with the State of Utah. (20-102) (3:03:36)

Dave Decker, Public Works Director, presented. He highlighted past decisions related to the Wastewater Treatment Plant, including the City's variance request, State Water Quality Board loan authorization, and the loan forgiveness component. Mr. Decker briefly updated the Council on the progress with the construction updates to the treatment plant. He also shared details on the revenue bond and loan repayment schedule. Mr. Decker clarified that the Council authorized revenue bonds, as opposed to a public vote as in the case of general obligation bonds. Dan Follett, Treasurer, reviewed more financial details of the loan and revenue bond, as well as the repayment schedule. He noted that the loan repayment factored in a construction draw-down period of four years. Brian Baker, Zions Bank, underscored the significant benefit of this loan format; with a typical market loan, interest payments would start immediately, but with this State loan and construction draw-down, the City likely saved between \$2 to \$3 million from interest deferral alone. This was a significant opportunity the City had secured.

Councilors thanked Public Works and other staff who had worked to identify these solutions and secure the State resources to that end. While it may be a painful experience for rate-payers, this was a tremendous opportunity from the State. Councilors were interested in reviewing the public notice being sent to ratepayers; staff indicated it would be in the republished packet after the meeting. Councilors also suggested broad education efforts to help the public understand the revenue bond format and other parts of the process. ***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 Sewell moved to close the meeting. Seconded by David Harding.

Vote: Approved 7:0.

Adjournment

Adjourned by unanimous consent.