

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, October 06, 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 Bill Fillmore
Councilor David Shipley
Councilor David Sewell
Councilor Travis Hoban
Councilor Shannon Ellsworth, arrived 12:33 PM
Mayor Michelle Kaufusi, arrived 12:48 PM

Prayer

Council Chair George Handley offered the prayer.

Approval of Minutes

May 12, 2020 Budget Retreat
May 19, 2020 Work Meeting
Approved by unanimous consent.

Business

1. An update on the new Airport Terminal. (20-234) ([0:12:10](#))

Dave Decker, Public Works Director, shared an update on the new terminal at the Provo Airport. He reviewed various elements of the new configuration, site plan, and floor plans. In response to a question from Councilor David Harding, Mr. Decker clarified that utility revenues would only contribute toward the costs of installing extended and expanded infrastructure to support the utility-specific needs at the airport. Mr. Decker shared an illustration identifying different funding sources, including proposed loans. Mr. Decker responded to more specific questions about the proposed Energy loan. In response to a question from Councilor David Shipley, Mr. Decker outlined more details of how Mountainland Association of Governments funding works for transportation needs and from where those funds originate; some are funds from Utah County

property taxes, and other funds come from the federal level. Wayne Parker, CAO, commended staff on organizing so many complex elements of a complex project. Mr. Parker clarified more details on the loan authorization request that would return to the Council Meeting on October 20, 2020. *Presentation only.*

2. A presentation regarding the development application process. (20-225) ([0:49:16](#))

Bill Peperone, Development Services Director, and Gary McGinn, Community and Neighborhood Services Director, presented. Mr. Peperone reviewed a flowchart illustrating the development application and review process. During plan review, staff provide applicants with red-lined versions of their plans, rather than simply written comments. Additionally, staff are required to identify any significant issues within the first two reviews; previously, developers might only learn of a significant issue after they had invested significant funds and time to get the project to that point. Mr. Peperone and Mr. McGinn noted another common area where developers may go through several iterations of review; if a concept plan is inconsistent with the requested zone, the applicant can move forward but staff would recommend denial based on such inconsistencies.

Councilor Shannon Ellsworth asked whether there was anything else that could be improved to make Provo a more development-friendly city and in turn to contribute toward lower housing costs. Mr. Peperone suggested the City better utilize Open City Hall to obtain neighborhood resident feedback on development applications; meetings have moved to a virtual format during the pandemic anyway, and this would provide better information and flexibility. Councilors discussed the idea, and many were supportive of this suggestion. Karen Tapahe, Community Relations Coordinator, shared more information about neighborhood meetings. Mr. McGinn also clarified the nature of some projects which required only an Administrative review and approval. Councilor David Harding also shared comments on the development process. Councilors were generally interested in further discussing any recommendations from the Administration on how to streamline the development review process. *Presentation only.*

3. A presentation from the Public Gatherings Committee on proposed changes to Section 6.20 of Provo City Code (Public Assemblies and Special Events). (20-223) ([1:20:17](#))

John Magness, Policy Analyst, presented. Mr. Magness shared the background for the formation of this committee. He highlighted the constitutional issues involved in the discussion and shared some of the nuance based on legal precedent and governmental interest. Mr. Magness also highlighted the differences between free speech and commercial speech. Mr. Magness reviewed the proposed changes to Provo City Code Chapter 6.20. The committee intended to refer this draft to the Council for their approval at the Council Meeting on October 20, 2020.

Mr. Magness invited questions and comments from Councilors. Councilor David Harding had previously referred some questions to the Legal Department; Brian Jones, Council Attorney, indicated that Legal was reviewing these items. Mr. Harding had some remaining reservations, though he appreciated the committee's work on this issue. His concern centered on whether the proposed changes made it too difficult for community members to get together for informal events such as the Downtown Art Stroll or neighborhood gatherings. Mr. Magness explained that the code revisions were intended to preserve a degree of discretion to the City Administration in

their enforcement of it. Camille Williams, Deputy City Attorney, explained that the code amendments preserved options for people gathering in spaces that can accommodate them, such as a city park. Councilor Bill Fillmore thanked staff for their efforts and expertise involved in developing these proposals. He noted that the intent was to clarify and streamline the tools and discretion granted for enforcement, as well as to clarify the process for groups. Councilor David Sewell asked if the Administration was supportive in recommending the changes; Mr. Magness explained that the City Administration was involved with the committee, as well as the working group comprised of several staff members who collaborated on the draft. Ms. Williams indicated that several departments who were routinely involved in large events still needed to share input. Councilor Shannon Ellsworth asked whether the committee had made a formal recommendation; Mr. Fillmore indicated they planned to before the next Council Meeting. *Presentation only.*

4. A discussion about the renewal of the Urban Deer Program. (20-224) ([1:45:05](#))

Camille Williams, Deputy City Attorney, presented. She highlighted past years' data from the urban deer program. The primary decision point for the Council was whether to continue funding the urban deer program, or perhaps a scaled-back maintenance program as recommended by the consultant. Hannah Salzl, Policy Analyst, shared information on the times of day, dawn and dusk, when the program is most effective. Councilors shared comments and feedback.

Councilor David Sewell recommended appropriating funds for a maintenance program. Councilor George Handley did not feel the data demonstrated a significant reduction in vehicle accidents with deer. Mayor Michelle Kaufusi clarified the feedback she hoped to receive from the Council. The Administration intended to move this budget expense into the Animal Control budget, in order to dispense with lengthy debates every year about this relatively small sum of money. Mr. Sewell noted that anecdotally, it seemed that Councilors receive fewer complaints about property damage because of urban deer since the program had been instituted. Councilor Bill Fillmore asked about the program budget; Ms. Williams explained that last year, \$12,400 was used of the budgeted \$15,000. There are four sites at a cost of \$2500 each, with a charge of \$75 per deer, with authorization for up to 35 deer. Several Councilors liked the Mayor's proposal to incorporate the program into the Animal Control budget. Mr. Fillmore observed that without the program, the problem might be much worse. Some suggested that it could be a potential area of research for a BYU professor studying wildlife. *Presentation only.*

5. An update on the utility billing errors that stem from the system conversion in July 2020. (20-235) ([2:14:28](#))

Wayne Parker, CAO, presented. Mr. Parker reviewed the Provo 360 project, which has replaced the City's outdated software with more efficient and reliable software systems. This project involved many functions at the city, including finance, permitting, licensing, utility billing, inventory, work management, human resources, e-government, and data analytics. Mr. Parker noted the many improvements and efficiencies this project introduced to the City organization as a whole and briefly reviewed the associated timeline. Mr. Parker explained the factors which impacted the utility billing, noting that a large data and system conversion also took place at the start of the new fiscal year; it was a perfect storm and in hindsight, these launches should have been more appropriately staggered and tested. Additionally, many users already see their highest

bills at this time of year, and rate changes were also instituted at the same time. The software upgrade had originally been scheduled for the spring but was delayed due to the pandemic. Mr. Parker shared details and insight into the utility billing, including tiered rates and the variable duration of billing periods. Due to an error in the new program, utility accounts were billed at very large service intervals, much longer than the typical 28-32 day cycle. With the combination of new rates and some tiered rates resulted in artificially high bills sent to customers. Some data was also displaying incorrectly on utility bills. Customers who received incorrect bills have been credited back and the issues have been resolved moving forward. Mr. Parker also shared details regarding the utility rate changes and associated capital improvements.

Councilor David Shipley referred to the days of service on the example bill and how this correlated with the calendar months. Mr. Parker explained that the billing system self-calibrates and tracks since the last meter reading. He explained that the tiers do not self-calibrate; where this occurred for customers, those bills will be realigned in the appropriate tiers. Mr. Shipley also asked about any programs available to residents on a fixed income to help even out their utility payments throughout the year. Mr. Parker indicated that was available through Provo 311. There are also many other features available to utility customers on myusage.provo.org. Mr. Parker outlined the steps moving forward, including new audit procedures, waiving of late fees and disconnects, payment arrangements, and meter testing to alleviate any concerns. Councilor David Harding shared concerns he has heard from constituents about disproportionate bill increases that do not seem to be explained by Mr. Parker's presentation. Mr. Parker explained that most outlying bills could be tied back to excessive dates of service and they have worked through these issues on a case-by-case basis. *Presentation only.*

Administration

6. A presentation about the CARES Act OIG Audit Guidelines (20-227) ([2:59:12](#))

Kelsey Zarbock, Budget Analyst, presented. She shared an update on the CARES Act allocation in which the City received \$8.5 million from Utah County's federal funds. The guidance and requirements as to use of these funds has changed dramatically and rapidly, as recently as two weeks ago. In response to a question about how payroll savings were handled for public safety, Ms. Zarbock explained that the City intended to set aside those funds in a designated account so that the expenditures were guaranteed in the event that an allocation had to be repaid due to a future audit. Councilor David Shipley asked if the airport project had been eliminated from the potential CARES Act use. Ms. Zarbock indicated that was the case; most of the funding was being put toward public safety payroll. John Borget, Administrative Services Director, offered more detail on this decision as well. *Presentation only.*

7. An update from County Health Department, on Utah County and Provo COVID-19 cases and strategies to prevent the spread of COVID-19. (20-226) ([3:08:12](#))

Ralph Clegg, Utah County Health Department Director, presented. Mr. Clegg shared general updates on the COVID-19 pandemic in the County and the department's ongoing collaboration with mayors and elected officials throughout the County. Councilor David Harding asked what indicators would drive the County's decision about whether or not to extend mask requirements.

Mr. Clegg indicated they would consider data including the proxy transmission rate, percent positivity, testing trends, number of cases, and exposure source, among other metrics. He noted that the County may have more guidance after meeting with the State Health Department. Councilor George Handley commented about rates and age stratification and his concerns for college environments. Being on campus is a lot safer for students because on campus, the rules are clear and clearly followed. Mr. Handley appreciated the ongoing partnership with Utah County and felt that it was extremely important.

Councilor Shannon Ellsworth expressed interest in a weekly report with Utah County data; Cliff Strachan, Council Executive Director, indicated he was receiving those from Mr. Clegg and would distribute the information to the Council on a regular basis. Councilor David Sewell asked for any advice or suggestions for what the City could do; Mr. Clegg thanked Council for what they were already doing. Mr. Harding shared a comment suggesting more of a public discourse about the complexity of broad regional mandates versus small and localized as the County made decisions. Mr. Clegg acknowledged the complicated political factors at work. ***Presentation only.***

8. A Discussion Regarding a Budget Appropriation to Correct Elements of the Fiscal Year 2020-2021 Budget Related to the Cemetery (20-228) (3:45:25)

David Mortensen, Budget Officer, presented. Mr. Mortensen outlined the error in the budget in which a full-time employee was budgeted in part-time by mistake. This should be corrected and will come to the Council for approval on October 20, 2020. ***Presentation only.***

9. A discussion about the Blue Sky Tax Increment Proposal. (20-229, 20-230) (3:48:22)

David Walter, Redevelopment Agency Division Director, presented. He highlighted background information about the Blue Sky development. Mr. Walter highlighted the existing conditions of the property and surrounding area. Mr. Walter highlighted how the tax increment would operate. This does not commit the City to funding at this time; the interlocal agreements would come back to the Council for later approval. Councilors commented that they supported code enforcement placing more of an enforcement focus on blighted properties. ***Presentation only. This item was already scheduled for the Council Meeting on October 6, 2020.***

10. A discussion about the Riverwoods Community Reinvestment Project Area Interlocal Agreements. (20-231) and (20-232) (3:58:26)

David Walter, Redevelopment Agency Division Director, presented. He highlighted elements of Qualtrics' improvements within the Riverwoods Community Reinvestment Project Area. Councilor George Handley asked about transportation needs and infrastructure to reduce impacts of driving; BRT is located in the Timpanogos Technology Center in East Bay and a similar solution would be critical to serve the Riverwoods area. Mr. Walter shared some details about Qualtrics' plans for their employees and future growth. ***Presentation only. This item was already scheduled for the Council Meeting on October 6, 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, Council Attorney, outlined the statutory basis for closing the meeting.

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

Vote: Approved 7:0.

Adjournment

Adjourned by unanimous consent.