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PROVO MUNICIPAL COUNCIL

Work Meeting Minutes

4:30 PM, Monday, November 08, 2021

Room 310, Provo City Conference Room

Hybrid meeting: <https://www.youtube.com/provocitycouncil> or 351 W. Center Street, Provo, UT 84601

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

Roll Call

The following elected officials participated in the meeting:

Council Chair David Sewell, conducting
Council Vice-chair David Shipley
Councilor David Harding
Councilor Shannon Ellsworth
Councilor George Handley
Councilor Bill Fillmore, arrived 4:37 PM
Representative Adam Robertson
Representative Marsha Judkins, arrived 4:37 PM
Representative Keven Stratton, arrived 5:40 PM
Mayor Michelle Kaufusi, arrived 4:39 PM
Wayne Parker, CAO
Isaac Paxman, Deputy Mayor
Brian Jones, City Attorney
Cliff Strachan, Council Executive Director

Excused: Councilor Travis Hoban, Senator Mike McKell, Senator Curt Bramble, and Representative Norm Thurston

Prayer

The prayer was offered by Cliff Strachan, Council Executive Director.

Business

1. A brief presentation from the Mayor's Office regarding funding and other priorities for the 2022 Legislative Session ([0:10:35](#))

Isaac Paxman, Deputy Mayor, presented. He highlighted several significant projects for the City which they would love State assistance on. Provo's aquifer storage and recovery program is a regional and statewide solution to significant drought and water resource issues in Utah. Provo is requesting \$35 million from the State to aid in this effort. As part of the aquifer recharge effort, Provo is constructing a culinary water treatment plant. Mr. Paxman noted that the Salt Lake

Valley has six such plants, while Utah Valley has only the one in Orem. Having a second culinary water treatment plant in the valley would be a tremendous resource.

Mr. Paxman also highlighted Provo's Olympic facility, the Peaks Ice Arena. Mayor Michelle Kaufusi sits on the board for the Utah Olympic Committee and they are going out for bid for the Olympic Games in 2030 or 2035 by bidding on both. This would have a significant economic impact for the State and they anticipate approaching the State for funding if this opportunity were to present itself. *Presentation only.*

2. A brief discussion on Accessory Dwelling Units (ADUs) and housing affordability (0:18:35)

Council Chair David Sewell briefly introduced this item. The Council's intent is not to discuss and debate the whole of the issue, but to briefly highlight the Council's current approach to addressing the recent change in state law. They are interested in hearing from legislators about their thoughts and intent as well as any guidance they have for the Council on the topic.

Representative Adam Robertson summarized some of the ideas behind the recent changes to state law. In some communities, NIMBYism ("Not in my backyard") basically precludes or excludes affordable housing. As the legislature has reviewed a number of housing studies, data indicates that zoning laws are one of the reasons we don't have enough affordable housing. Provo was highlighted in several discussions of cities doing an extraordinarily good job at having affordable housing in the state. Local control is important to legislators, but there is a legitimate interest in the state in having affordable housing and each city needs to take this into account. They worked closely with many cities, especially Provo, and the intent was to have minimal impacts on Provo with this legislation.

Representative Marsha Judkins said that Rep. Robertson summarized the issues really well. She indicated that they did not know yet what bills would be coming in the 2022 legislative session. She hopes some bills will address the missing middle housing element that young families really need. If you're missing any level of housing structure, it will exacerbate homelessness and affordable housing and other issues. She suggested that if cities would like to have a say or if cities have ideas they would like to see legislators support, they should work with legislators.

Councilor Shannon Ellsworth commented that with housing bills in general, a one-size-fits-all approach or mandate is not preferable. Councilor David Harding commented on strategies he has noted during past legislative sessions that he felt were particularly helpful, including the bill of 27 strategies to address housing affordability (which required cities to do at least 3). He also felt the moderate income housing plans were a very useful tool and suggested incentives such as state funding to further encourage development of affordable housing. Mr. Harding later commented on his preference that ADUs be required to maintain an internal connection.

Rep. Robertson said he thought Provo was already compliant with regard to ADUs. He asked if the Council was approaching ADUs specifically because of HB082, and if so, he wanted to hear what suggested changes the Council had. Councilor David Sewell indicated that there has been a lack of clarity as to whether or not Provo already complies with HB082. Brian Jones, City

Attorney, elaborated on this comment and offered a legal perspective on some of the outstanding questions. Cliff Strachan, Council Executive Director, added that some legislators are telling some residents and some councilors that they think Provo complies because of the 65+ caretaker dwelling provision, however this is not addressed in state law and is difficult to define.

Rep. Judkins Marsha asked what Provo would want the legislature to adjust or fix in the law. Mr. Jones indicated that it would depend on the Council and what approach they took. If the Council decides to expand beyond the minimum stated in HB082, then there are probably no changes needed. If the Council does not do that, then it would probably be helpful for the legislature to make changes to follow more of the process of the marijuana dispensary law and mechanism. Rep. Robertson was interested in working with the Council and he indicated that the bill sponsor, Representative Ward, was very amenable to working with cities as well. Councilor George Handley added that there was also some ambiguity regarding how to expand beyond the current allotment. *Presentation only.*

3. A discussion on economic development incentives and possible restrictions on cities with regard to incentives ([0:40:22](#))

Cliff Strachan, Council Executive Director, introduced this item. Isaac Paxman, Deputy Mayor, also shared some insight based on the Utah League of Cities and Town's coordination of this effort. There seems to be a basic push to take away all incentives due to cities giving away too much. Mayor Michelle Kaufusi is in ULCT leadership, and she has been involved in some of the briefings. Provo will keep monitoring what the League is doing and will vote on this at the League level. Overall, they don't like the idea of this tool being removed entirely. Mayor Kaufusi indicated that League leadership meets soon and this was their number one item to address with the Governor.

Councilor David Harding said he has fought against city using TIF for most of his time on the Council. It makes sense to use this for blighted areas, but he felt it made it difficult to have an even playing field. He thinks it is harmful and if there are no rules of cooperation among the cities, it's problematic. In general the process needed better ground rules and expectations. Mr. Strachan highlighted some of the recent discussion at the Utah City & County Managers Association. His sense is that ULCT thinks one size does not fit all cities, but there is some recognition that sometimes cities cannibalize each other through these programs. The Council is interested in knowing how this will affect Provo. Councilor Shannon Ellsworth thought incentives made sense for blighted areas and for other types of things like food deserts. She also thought there was a place for targeted and specific incentives, rather than just a grab for any type of sales tax. She thinks of grocery stores and food deserts because that is a reality in Provo. Mr. Strachan elaborated on how this has worked in Provo; he cited Day's Market, which used a tax increment incentive to fund a significant remodel of their store. *Presentation only.*

4. A discussion of topics as proposed by State Legislators ([0:49:50](#))

Rep. Marsha Judkins said she has an open bill file for animal fighting penalties. She gave background information about this issue and asked for Councilors' feedback on this. Councilor David Harding did not see this as a big issue, but he also did not object to doing it. Councilor

David Shipley asked if there was nothing already in state code. Rep. Judkins elaborated on the current law and the changes she hoped to implement.

Rep. Adam Robertson was able to tour the Provo Airport today and he was pleased with what this will do for Provo and the region in the future. With the federal infrastructure bill, there would probably be some significant opportunities for one-time funding. He suggested Provo look into obtaining some of the infrastructure funds for expanding existing parks operations which are already very popular in the area, including Bridal Veil Falls, the Bonneville Shoreline Trail, Rock Canyon, and perhaps mountain biking facilities in Slate Canyon or other areas where the steepness and movement of trails don't make it very useful for other uses.

Councilor David Shipley asked if there were any other airports in the state that are in a similar position as Provo. Rep. Robertson thought Provo was the best-positioned with expansion opportunities; even though it might be hard to get infrastructure funding for the project underway, there may be other opportunities to invest in the infrastructure of hotels, restaurants, other services, and possibly land acquisition for additional roads. There may be specific congressional requirements for spending on infrastructure items, but that is to be determined.

Councilor Shannon Ellsworth said Provo has been really proactive on infrastructure planning. She liked the ideas for recreation planning and funding. Provo is finishing its General Plan and also doing planning for foothills and canyons, river corridor and lakeshore, and city gateways. These all involve infrastructure and they will be planning for them in 2022. She also suggested land acquisitions along the Provo River corridor to make the river into an amenity and a jewel in the community. Ms. Ellsworth also said she would love to connect a bridge over 900 South to connect East Bay with southeast Provo.

Councilor George Handley said there were already master plans for Rock Canyon and Slate Canyon, which were mainly waiting on funding to put into action. Some revisions will be made to the Slate Canyon plan with Provo Parks and Recreation. Mr. Handley also highlighted a forthcoming proposal from the Utah Valley Trails Alliance on a trail plan for the foothills. The primary issue was prioritization and coordination of the items within these various plans as well as securing any necessary funding.

Rep. Judkins indicated that the special session began the following day, which would include redistricting. There are nine items on the agenda for the special session and she wondered if any Councilors had questions about any items. She noted she had also spoken with Councilor Ellsworth about Utah Lake, which would likely come up in the 2022 session. ***Presentation only.***

5. A discussion of topics as proposed by Provo City Councilors ([1:03:28](#))

Councilor George Handley commented on redistricting. He shared his strong support for the independent commission. The legislature's committee seems to have bypassed their recommendations and given the public a very short window on their current proposal. The referendum process made it clear that many voters in the state really wanted that independent process. Mr. Handley also shared some concerns about Utah Lake—the dramatic commercial proposal for dredging and constructing islands in the lake strikes him as bypassing a lot of

serious ecological issues based in data. He was concerned that the plans were moving forward faster than the data which should inform the process. He highlighted a report presented at the recent Utah Lake Symposium by area scientists. Redistricting and Utah Lake are massively important and affect quality of life for many years to come, and these issues also impact our confidence in the process and transparency of government.

Councilor Shannon Ellsworth said that most people here would support a cleaner lake and there are multiple avenues to accomplishing that. To Mr. Handley's statement, there was a study underway by the State's Division of Water Quality on Utah Lake; she would love to see the results of that study before the state restructures how the lake is governed.

Rep. Robertson asked the Council for their thoughts on the Utah Lake Authority. Ms. Ellsworth highlighted recent discussions she had with Reps. Judkins and Christofferson—she wondered why not expand the abilities of the current Utah Lake Commission by adding capability, capacity, or authority to the commission. She felt Rep. Christofferson's approach was a good way to move forward. Rep. Robertson said the Utah Lake Authority would make them more official, allow them taxing capacity, etc. Rep. Judkins wondered whether there was a way to continue to utilize the commission in order to give them more say without upsetting the balance and current power structure.

Councilor David Harding agreed that Utah Lake was a major issue for Provo. He supported a way of collaborating or coordinating the efforts around the lake with a unified voice and vision. Ms. Ellsworth spoke to some of the misconceptions people have about Utah Lake, whereas data over the last decade has shown a decrease of algal blooms and demonstrated that many of the mitigation measures have been successful and effective. She thought there were many opportunities to work with cities and scientists collaboratively to improve a shared asset. Rep. Judkins indicated that it was important to get those with interests and knowledge together to try address Utah Lake and she would welcome that. Ms. Ellsworth indicated that although there will be two new Councilors in January, there has definitely been a shared value of stewardship of natural resources among the current Council. Councilor David Sewell echoed Mr. Harding's and Ms. Ellsworth's comments.

Isaac Paxman, Deputy Mayor, commended Rep. Brammer who has made a good faith effort to get stakeholders in the room regarding Utah Lake. Mr. Paxman commented on some of the benefits of forming a Utah Lake Authority and commended Rep. Brammer's work on the issue.

Councilor Bill Fillmore asked whether there was any motivation to pursue improvement of the Provo marina. Mayor Michelle Kaufusi indicated that the City has met with Utah State Parks on several occasions, but the State was not interested in letting Provo manage Utah Lake State Park. The City thinks Provo Parks and Recreation would be the ideal entity to manage the park and would welcome legislators' collaboration on trying to make that happen. Reps. Robertson and Judkins indicated that this was just the type of issue the legislators could try and work with the state on, rather than the City trying to work with the state alone.

Mr. Fillmore asked about whether the legislature had any intent to tackle school choice (private schools and public schools getting a piece of state revenue and creating greater competition in K-

12 education system). He also wondered about tax reform to address the imbalance in the state constitution with regards to mandatory education funding.

Rep. Keven Stratton said these were important discussions regarding the financial vitality and health of the state. He gave background information on the state's tax equation—with the constitutional amendment last year, it seems like they have reached an equilibrium in the tax format. He shared background on school choice issue. School vouchers were rejected through the referendum process but was still supported in this area. He noted that Rep. Judkins is a great leader in education and that she would have good insights there. Rep. Judkins thought Rep. Stratton gave a good summary of the issues. She elaborated on how the process worked previously and how it has worked in recent years. Rep. Robertson was able to tour several charter schools last year. A lot of the charter schools have great results and a lot of growth with their facilities. They have done a lot of work at the state level to try to equalize funding throughout the state and these changes have really improved school choice tremendously.

Council Chair David Sewell invited any last parting questions or comments. Councilor David Shipley asked if there was any indication of major housing bills in the upcoming session, and how these might impact Provo. Rep. Judkins indicated that there was, as always, a lot of money going into housing issues. Mr. Shipley referred to Mr. Paxman's presentation and reiterated the regionally significant projects happening in Provo, including the regional sports park and airport. The City is ready to partner with the county and state on these improvements and the Council is happy to lend their support in whatever way is most helpful.

Ms. Ellsworth said the Council would love to give input to the legislators when it comes to housing. The Council makes a lot of land use decisions and water bills are also an important opportunity to partner with legislators. Rep. Stratton said the City's ASR project is notable. They appreciate the work Provo has done. The state is in the process of adding aquifer recovery to the state water policy. There are a lot of significant water issues at the state level, but he expressed the legislators' appreciation of the work, effort, and vision of Provo City in leading out.

Mr. Sewell expressed thanks to the legislators for taking time to meet with the Council on these important issues.

Adjournment

Adjourned by unanimous consent.