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PROVO MUNICIPAL COUNCIL

Redevelopment Agency of Provo

Stormwater Service District

Regular Meeting Agenda

5:30 PM, Tuesday, June 07, 2022

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

Roll Call

THE FOLLOWING MEMBERS OF THE COUNCIL AND ADMINISTRATION WERE PRESENT:

Councilor Shannon Ellsworth (joined late)

Councilor Bill Fillmore

Councilor George Handley

Councilor Travis Hoban

Councilor Katrice MacKay

Councilor Rachel Whipple

Deputy Mayor Isaac Paxman

Chief Administrative Officer Wayne Parker

Interim Council Executive Director John Magness

Deputy City Attorney Gary Millward

Conducting: Chair Travis Hoban

Excused: Councilor David Shipley

Prayer - Chief Jim Miguel

Pledge of Allegiance – Councilor Rachel Whipple

Public Comment – [\(8:35\)](#)

Chair Hoban opened public comment.

Chad Pritchard, of Provo, discussed his dissatisfaction with the business licensing process that the city has. He stated that the process is redundant and takes too long. He said he would like to see the cities ordinances match the states requirements.

With no other public comments, Chair Hoban closed public comment.

Action Agenda

- 1. A resolution consenting to the appointment of an individual to various boards and commissions (22-009) [\(13:07\)](#)**

Motion: An implied motion to approve Resolution 2022-26, as currently constituted, has been made by council rule.

Isaac Paxman, Deputy Mayor, presented the following for the Airport Board: Gregory Perry, Adam Robertson, and Wendy Newman. He also presented Jennifer Gleave for the Board of Adjustments.

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Chair Hoban shared that Jennifer Gleave was not able to attend the closed meeting today and that council would need to meet with her. Chair Hoban asked Gary Millward to discuss rules.

Gary Millward, City Attorney, shared rule five requirements and discussed options for council to continue.

Councilor Whipple asked for more clarification.

Chair Hoban explained that the Board of Adjustments has a meeting scheduled for next week that had already been publicly noticed.

Motion: Chair Hoban made motion to suspend rule five to vote on resolution. Councilor MacKay seconded motion.

Chair Hoban called for a vote on the motion.

Vote: The motion was approved 5:0 with Councilors Fillmore, Handley, Hoban, MacKay, and Whipple in favor. Councilors Ellsworth and Shipley excused.

Chair Hoban called for a vote on the implied motion.

Vote: The motion was approved 5:0 with Councilors Fillmore, Handley, Hoban, MacKay, and Whipple in favor. Councilors Ellsworth and Shipley excused.

2. A resolution imposing fire restrictions due to hazardous environmental conditions. (22-048) [\(19:23\)](#)

Motion: An implied motion to approve Resolution 2022-27, as currently constituted, has been made by council rule.

Chief Jim Miguel requested approval of fire restrictions which went into effect May 18, 2022. He explained that the Fire Marshall has the ability for a 30-day suspension, but anything longer than 30 days requires council approval. He also addressed the areas where this would take effect.

Councilor Whipple asked about the expiration date as the resolution states it would remain in effect until it is rescinded in writing.

Chief Miguel responded that they expect the resolution to expire when snow falls. He mentioned the city would follow the National Forrester Service recommendations.

Chair Hoban opened public comment. With none, he closed public comment.

With no other council discussion, Chair Hoban called for a vote.

Vote: The motion was approved 5:0 with Councilors Fillmore, Handley, Hoban, MacKay, and Whipple in favor. Councilors Ellsworth and Shipley excused.

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3. An ordinance amending Provo City code to conform with Utah code requirements regarding emergency meetings of the Provo City Municipal Council. Citywide application. (22-041) [\(23:03\)](#)

Motion: An implied motion to approve Ordinance 2022-19, as currently constituted, has been made by council rule.

Gary Millward, Deputy City Attorney, discussed the proposed changes to code.

Chair Hoban opened public comment. With none, he closed public comment.

With no other council discussion, Chair Hoban called for a vote.

Vote: The motion was approved 5:0 with Councilors Fillmore, Handley, Hoban, MacKay, and Whipple in favor. Councilors Ellsworth and Shipley excused.

4. A resolution to give notice that Provo City intends to execute a boundary line adjustment with Springville City along a common boundary between Provo and Springville in southeast Provo near the Mountain Vista Business Center. (22-042) [\(25:40\)](#)

Motion: An implied motion to approve Resolution 2022-28, as currently constituted, has been made by council rule.

Dixon Holmes, Deputy CAO, presented. He stated that this is solely to give notice. He shared this would allow Springville to overtake approximately one acre.

Councilor Whipple asked about the scheduling of items due to the road being constructed.

Mr. Holmes responded that without this boundary change, the road would remain in Provo, but it would not stop it from being constructed.

Chair Hoban opened public comment. With none, he closed public comment.

With no other council discussion, Chair Hoban called for a vote.

Vote: The motion was approved 5:0 with Councilors Fillmore, Handley, Hoban, MacKay, and Whipple in favor. Councilors Ellsworth and Shipley excused.

5. A resolution regarding the Lakeview Parkway Phase 4 Interlocal Agreement. (22-046) [\(30:12\)](#)

Motion: An implied motion to approve Resolution 2022-29, as currently constituted, has been made by council rule.

Dave Decker, Director of Public Works, provided summary and history of project.

Chair Hoban opened public comment. With none, he closed public comment.

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With no council discussion, Chair Hoban called for a vote.

Vote: The motion was approved 6:0 with Councilors Ellsworth, Fillmore, Handley, Hoban, MacKay, and Whipple in favor. Councilor Shipley excused.

6. A public hearing regarding transfers in the FY2023 budget. (22-016) [\(33:49\)](#)

Kelsey Zarbock, Budget Officer, presented.

Chair Hoban opened the public hearing. With none, he closed the public hearing.

7. A presentation of the FY2023 Citizens Budget. (22-016) [\(35:57\)](#)

Karen Tapahe, Community Relations Coordinator, shared the purpose of the Citizens Budget and what it contains. She also said the Citizens Budget would be updated after the final budget is approved.

Chair Hoban thanked Karen and staff for their hard work on this project.

Councilor Whipple echoed Chair Hoban's statements. She said the graphics and ease of understanding will be helpful for city residents.

8. A public hearing for a budget for Provo City Corporation for the Fiscal Year Beginning July 1, 2022 and Ending June 30, 2023. (22-016) [\(49:09\)](#)

Ms. Zarbock presented and shared this would be the first of two public hearings.

John Magness, Interim Council Executive Director, explained that this would be the appropriate time to do a truth in taxation. He said a motion to adopt the reconciliation would need to take place prior to truth in taxation for suggested changes to be adopted with the tentative budget.

Chair Hoban opened public hearing.

Melanie McCoard, of Provo, shared her thoughts on the need for a Budget Advisory Committee.

With no other comments, Chair Hoban closed the public hearing.

Councilor Handley thanked the finance staff for their work on the budget. He shared his concern for the reliance on sales tax revenues. He said he thinks the city is losing its buying power over time and asked to hear other council members thoughts on entering a truth in taxation hearing.

Councilor Fillmore agreed with Councilor Handley. He said the council has a heavy responsibility to assure the citizens of a viable, long-term economic base to be able to continue to provide the city services we are known for.

Councilor MacKay voiced all the extra funds the city has received this year due to the pandemic. She mentioned with the federal aid, people spent more which allowed us more sales taxes. She expressed

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her concern for not seeing these things continue in the next coming years. She mentioned if a property tax increase was asked for, it would only be a few dollars per household.

Councilor Whipple said she appreciates council looking at this while the issue is still small and manageable. She compared a property tax increase to sales tax revenue and explained how it is more reliable and financially feasible for citizens.

Councilor Handley asked Mr. Magness to share the difference of funds if the city had been doing an annual increase over the last ten years.

Mr. Magness responded.

Councilor Handley shared his belief that the council would like to address these increases more frequently, as needed, instead of every decade to keep up with inflation to allow for a less drastic impact on citizens.

Isaac Paxman shared the concerns from Mayor Kaufusi.

Motion: Councilor Fillmore made motion to hold truth in taxation hearings to allow feedback from the public and look at the possibility of a property tax increase of up to 2.9% and to operate under the tentatively adopted budget pending a final budget.

Mr. Magness shared that council would need to adopt the reconciliations.

Councilor Ellsworth asked if a substitute motion would be required.

Gary Millward responded and said there could be up to three pending motions at once. He said a second motion could be made and discussed before returning to the first motion by Councilor Fillmore.

Motion: Councilor Ellsworth made motion to adopt reconciliations and adjustments that were presented in the work session.

Councilor MacKay seconded motion by Councilor Ellsworth.

Chair Hoban shared the point of adopting reconciliations presented in today's work meeting.

With no council discussion on the motion, Chair Hoban called for vote on Councilor Ellsworth's motion.

Vote: The motion was approved 6:0 with Councilors Ellsworth, Fillmore, Handley, Hoban, MacKay, and Whipple in favor. Councilor Shipley excused.

Councilor Handley seconded the motion by Councilor Fillmore.

Councilor Ellsworth asked about the 2.9% tax increase that Councilor Fillmore presented.

Councilor Fillmore responded that the 2.9% approximates the rolling ten-year Western Consumer Price Index for inflation.

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Councilor Ellsworth clarified that the motion would be specifically for inflation and not for a desired outcome.

Councilor Fillmore agreed and added that some have expressed their desire for some funds to be directed in fair measure to public safety though it is not part of the motion.

Councilor Ellsworth said she feels like more research should be done prior to establishing a percentage based on need.

Mr. Magness shared that by statute to enter truth in taxation, the council must declare a maximum percentage.

Councilor Handley clarified information presented.

Councilor Ellsworth shared the public might respond better to an outcome driven percentage versus tying it solely to inflation.

Councilor Fillmore responded that the intent of his motion is to tie the increase to inflation.

Councilor Whipple shared why she believes tying the increase to inflation would be more beneficial than a specific outcome. She also clarified which property taxes would be increased.

Councilor Handley said it would be helpful to give the public an idea with how the city will use the funds from the property tax increase.

Councilor Ellsworth said it will be harder to ask the citizens for money without a purpose or plan.

Councilor Whipple suggested that after we have firm numbers, we could give the public an idea of what the funds will be used for.

Councilor Handley agreed with Councilor Whipple.

Councilor Fillmore emphasized that no councilmember is excited to increase property taxes. He also echoed Councilor Whipple's earlier statements that only the city's portion of property taxes would be increased.

Councilor Ellsworth stated the council should do their homework and know exactly what the funds will be used for.

Councilor Handley shared his desire to use the money for public safety, specifically the funding for another Police Officer.

Councilor Fillmore said the council has received many briefings on the needs of the Police Department.

Councilor Ellsworth said a number is needed and the taxes should be raised according to that number.

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Mr. Millward stated that the motion will start the process, but debate can be had after the hearings prior to adoption.

With no other council discussion, Chair Hoban called for vote on Councilor Fillmore's motion.

Vote: The motion was approved 6:0 with Councilors Ellsworth, Fillmore, Handley, Hoban, MacKay, and Whipple in favor. Councilor Shipley excused.

The Provo Municipal Council recessed and convened as the Governing Board of the Provo City Stormwater Service District with Chair Hoban conducting.

Provo City Stormwater Service District

9. A public hearing regarding a budget for the Provo City Stormwater Service District for the Fiscal Year Beginning July 1, 2022 and Ending June 30, 2023. (21-016) [\(1:33:52\)](#)

Ms. Zarbock presented and shared that this is the first of two public hearings.

Chair Hoban opened public hearing. With none, he closed public hearing.

The Governing Board of the Provo City Stormwater Service District adjourned and convened as the Governing Board of the Redevelopment Agency of Provo City with Vice-Chair Whipple conducting.

Redevelopment Agency of Provo

10. A public hearing regarding adopting a budget for the Redevelopment Agency of Provo City Corporation for the Fiscal Year Beginning July 1, 2022 and Ending June 30, 2023. (22-016). [\(1:35:35\)](#)

Ms. Zarbock presented and shared this is the first of two public hearings.

Vice-Chair Whipple opened public hearing. With none, she closed public hearing.

The Governing Board of the Redevelopment Agency of Provo City adjourned and convened as the Provo City Municipal Council with Chair Hoban conducting.

Chair Hoban called for a short recess.

Action Agenda

11. An ordinance enacting Provo City Code Chapter 14.14D (Mixed-Use Zones). Citywide application. PLOTA20220144 [\(1:48:07\)](#)

Motion: An implied motion to approve Ordinance, as currently constituted, has been made by council rule.

Javin Weaver, City Planner, asked to continue the item due to an error in the noticing.

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12. An ordinance amending Provo City Code Chapter 15.15. Citywide application. PLOTA20220167 [\(1:50:36\)](#)

Motion: An implied motion to approve Ordinance 2022-20, as currently constituted, has been made by council rule.

Brandon Larson, City Planner, presented.

Chair Hoban asked if there are any pending annexations that this would impact or if this ordinance is simply to align with State Code.

Mr. Larson said he thinks there are three annexations in progress and of those three, one would benefit from this change. He added that the city staff initiated this, not to benefit one annexation.

Councilor Ellsworth asked if there is an annexation map to accompany the ordinance.

Mr. Larson shared that this is a text amendment. He also shared that the Development Services Department is working on an annexation disclosure document.

Chair Hoban opened public comment. With none, he closed public comment.

With no other council discussion, Char Hoban called for a vote.

Vote: The motion was approved 6:0 with Councilors Ellsworth, Fillmore, Handley, Hoban, MacKay, and Whipple in favor. Councilor Shipley excused.

13. An ordinance amending Downtown Development Design Standards and requirements in the Interim Transit Oriented Development Zone. Citywide application. PLOTA20220153 [\(1:55:10\)](#)

Motion: An implied motion to approve Ordinance 2022-21, as currently constituted, has been made by council rule.

Mr. Weaver presented. He gave summary of changes being proposed.

Councilor MacKay asked if 14.34.29 (8) was being removed.

Mr. Weaver confirmed that that section would be removed from the code.

Councilor Ellsworth asked about glass treatment, so the sun does not impact traffic or pedestrians.

Mr. Weaver said he did not know if that had been included but said he would check.

Chair Hoban opened public comment.

Melanie McCoard, of Provo, asked about the start and end of the West Gateway zone.

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With no other comments, Chair Hoban closed public comment.

Chair Hoban asked Mr. Weaver to clarify what area this will impact.

Mr. Weaver shared that this would impact all downtown zones.

Chair Hoban asked if there was a specific project that initiated this change.

Mr. Weaver responded that there was not one that spurred this change.

Councilor MacKay asked if the main reason for this design change was for the glass section to be removed.

Mr. Weaver stated it was primarily to remove the glass section and limit the use of certain exterior materials like stucco.

Councilor Ellsworth asked what a glass facade creates. She shared that her desire is to keep the character of the downtown zones. She also asked if these amendments allow the city to push back on proposed designs.

Mr. Weaver responded.

Councilor Whipple said she likes the language that is used in the standards.

Councilor Ellsworth shared that she hopes that is the case.

Councilor MacKay shared her love for downtown Portland and how there is a good mix.

With no other discussion, Chair Hoban called for a vote.

Vote: The motion was approved 5:1 with Councilors Ellsworth, Fillmore, Handley, MacKay, and Whipple in favor. Councilor Hoban opposed, and Councilor Shipley excused.

Adjournment

The meeting was adjourned by unanimous consent at approximately 7:42 PM.