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PROVO MUNICIPAL COUNCIL

Work Meeting Minutes

12:00 PM, Tuesday, July 12, 2022

Hybrid meeting: [youtube.com/provocitycouncil](https://www.youtube.com/provocitycouncil) or 351 W. Center Street, Provo, UT 84601

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

Roll Call

The following elected officials participated:

Council Chair Travis Hoban, conducting
Council Vice-chair George Handley
Councilor Katrice MacKay
Councilor David Shipley
Councilor Rachel Whipple
Councilor Shannon Ellsworth
Councilor Bill Fillmore
Mayor Michelle Kaufusi, arrived 12:20 PM

Prayer

The prayer was offered by Keith Morey.

Approval of Minutes

May 17, 2022 Work Meeting
June 7, 2022 Work Meeting
June 7, 2022 Council Meeting Minutes
June 21, 2022 Work Meeting
Approved by unanimous consent.

Business

1. A presentation regarding the Statistical Survey done in support of the General Plan Update. (22-011) ([0:10:25](#))

Brandon Larson, Planning Supervisor, and Kyrene Gibb, VP of Research at Y2 Analytics, presented. Mr. Larsen gave some background on the survey conducted by Y2 Analytics. Ms. Gibb explained the purpose of the survey, which was to gather responses from residents in a statistically significant manner to better understand what Provo residents want. She reviewed the overall responses about priorities in the future and what residents value about living in Provo. Councilor Shannon Ellsworth said she has seen people in the community interpret “family-

friendly character” in many different ways—it doesn’t have a direct translation into policy. Ms. Gibb indicated that safety and amenities contributed to this item. Ms. Gibb reviewed the survey methodology, including sampling methods, mode, and the margin of error. She then reviewed some of the key findings of the survey:

- Overall quality of life in Provo is high
- Housing (availability and affordability) is a big concern for most residents
- Traffic is the biggest transportation concern among residents
- Residents love Provo’s parks and recreational spaces; air quality needs improvement
- Residents are satisfied with arts and cultural programs and business development

Ms. Gibb reviewed these findings in more detail, sharing responses to the different questions. Councilor Travis Hoban asked if it was typical for a question like “Provo is the type of community I could see myself spending my whole life in” to have only 50% positive responses. Ms. Gibb clarified this was not unexpected given Provo’s high student population. Councilor Katrice MacKay asked about the percentage of students in Provo. She didn’t realize the percentage of students was 40%. Councilor Shannon Ellsworth noted that the average age in Provo is 25, which indicates that more than half of the population is under age 25.

Mr. Hoban asked if the question about ease of traveling in the city had more negative responses in a specific area of the city. Ms. Gibb would need to consult the more detailed responses to evaluate that. Mr. Hoban noted that the west side of Provo has a lot of transportation issues.

Ms. Gibb continued presenting on the survey results. The efficiency of city services is highly rated by residents. Neighborhoods throughout Provo are praised for parks and walkability. They drilled down somewhat into neighborhood perception by looking at districts’ responses. She noted responses from certain districts that were either higher or lower than average and the disparities in perspective. In the survey, they asked residents about the most important issue facing Provo today and the most important issue in 3-5 years. Many answers for problems today related to housing affordability, parking, traffic, air pollution, and growth. Issues facing Provo in several years often related to infrastructure, schools, and other challenges with growth. For the most important priorities to residents, all items were highly rated, but the most important included traffic flow throughout the city and preserving outdoor recreation opportunities.

Ms. Ellsworth asked if there are some things that won’t be reconciled, like conflicting answers about wanting to preserve the tax base and not wanting to diversify the tax base. Ms. Gibb noted that residents are not always consistent. Councilor George Handley shared some observations about active transportation being rated lower but air pollution being rated highly; these issues are connected but residents may not make that connection. Councilor Rachel Whipple asked if increasing home equity was rated low simply due to it being a time when home equity was rising for many homeowners. Ms. Gibb indicated that the responses may signify that it is something residents may not see as the City’s role. Councilor Bill Fillmore commented and noted that these are not necessarily the things citizens are listing as their priorities, but simply how these residents ranked these items. Ms. Gibb indicated it was a forced choice lens for what are the highest and lowest overall priorities, versus the things that have more balance between what residents think. Another part of the survey asked which things they think the City does well.

Ms. Ellsworth noted that preserving recreation opportunities is important to residents but they think the City does it well. Equity, diversity, and inclusion was rated low, but residents also rated that they think the city does a poor job.

Ms. Gibb next reviewed some additional tradeoffs in specific issue areas. Residents' attitudes toward growth vary—54% think growth is happening quickly and 39% think growth is happening at an appropriate pace. Community spaces are important in neighborhoods. Residents are highly satisfied with the services the City provides. The things residents would most like to have within walking distance are active transportation routes and public transit routes. More residents expect to drive to amenities such as services, event venues, restaurants, and retail.

Single-family housing is rated as needed by 39% of residents. Mr. Fillmore asked a question on whether to increase quality or quantity of student housing. Mr. Handley asked about Provo residents being more open to density and Ms. Gibb shared some context about Provo compared to other Utah cities. Ms. Whipple was concerned about what “large yards” meant and shared comments on different types of housing with different types of yards or amenities. Ms. Gibb highlighted additional data that compared and contrasted what residents wanted in their own areas versus in other areas in Provo. Many residents thought single-family homes with large yards belonged somewhere in Provo but not necessarily in their own area.

Ms. Gibb highlighted transportation issues. A high-priority issue was reducing traffic congestion. Improving parking accessibility and improving air quality also had at least one third of residents listing this as a high priority. For the remaining items, less than a quarter of residents voted them as the biggest issues. After breaking down responses from students and non-students, data showed that students prioritize parking and transit options.

Regarding recreation amenities, many residents rated preservation of open space as a high priority. Many residents also highly rated more small parks in neighborhoods and more areas to enjoy the lakefront. Improving air quality and improving recycling were both rated highly. Regarding equity and accessibility, a majority of residents indicated that housing availability and affordability for all residents was the most important thing the City could pursue. A diversity and inclusivity committee was rated by 38% of residents as the least important thing the City could do. Arts and culture are important to Provo residents. Connecting to the university community had mixed responses regarding importance and the rating of how well the City does this.

Regarding businesses, growing small businesses was seen as the most important. Mr. Handley suggested some of the responses suggesting the City needs improvement are not necessarily bifurcating the responses; some residents may feel something is a high priority yet they may feel the City is not doing enough. The least important priority to residents regarding economic development was increasing commercial buildings and industrial buildings in Provo.

Ms. Gibb reviewed the demographic breakdown of respondents. Many Provo residents came here for school at one point. Many have family nearby or work in the area. 64% of survey respondents are age 18-34. The Census suggests 68% in Provo's population falls within this age range. Most residents are white and many are married. A total 43% of respondents are at least full- or part-time students. Most respondents are employed full-time. She highlighted additional

statistics regarding the homeowner versus renter breakdown, duration of time in Provo, and time expected to live in Provo. Mr. Hoban indicated they were out of time. He invited Mr. Larsen to present at the next meeting regarding the takeaways from the survey results. Ms. Ellsworth asked that if staff are proposing changes or edits to the General Plan, it would be helpful to see redlined versions. Mr. Larsen indicated they have only high-level recommendations. *Presentation only.*

2. A presentation regarding parking along Center Street in the Downtown area of Provo (22-052) ([1:18:51](#))

Tom Thorpe, Parking Program Manager, presented. He brought some visual aids which were examples of signage for parking and the City's wayfinding program in Provo. He was asked to primarily focus on Center Street in this discussion regarding available parking, parking enforcement, public access to surface and structured parking, and future plans for parking on Center Street. Mr. Thorpe gave a high-level overview of parking on Center Street, including the spaces available, users (visitors versus employees) of the spaces, and times for patrolling.

Councilor Rachel Whipple asked if extending the permitted parking to 9 PM would change how often they need to patrol. She asked why they conduct enforcement until 10 PM. Mr. Thorpe clarified what they patrol until 10 PM. Councilor Katrice MacKay asked how many businesses asked for longer times for patrol. Quinn Peterson, Downtown Provo Inc. Director, passed on this feedback from businesses. Councilor Travis Hoban asked if this was because of events. During evening events, Center Street parking regularly surpasses 85% full. Councilor David Shipley asked if the PEG parking is done in their building. Some businesses had used some of the parking in that vacant lot for parking but were displaced by the construction. He wondered if PEG indicated how they were going to manage parking. Mr. Thorpe indicated they have submitted their final review online; the garage is gated so they will have some type of payment mechanism. Mr. Thorpe then reviewed the wayfinding. Planning estimates that the project is less than 50% complete. The estimated cost for completion is approximately \$300,000.

Mr. Thorpe thought Provo should direct its money towards a parking app. Mr. Shipley asked about putting resources toward an app. Comments have been made in past meetings that the app already exists and is up-and-running; he is confused about what this means. Mr. Thorpe offered some clarification on this; he has talked to Flowbird about using them for a paid parking app. He envisioned that Provo works on an app that would work for the airport, BYU and UVU campus, and other parking throughout Provo. He has talked to Information Systems about doing this in-house or putting out an RFP for this. He thinks that would be a better use of the funds now, and to plan for the wayfinding funding in the future.

Mr. Shipley asked again—the Provo Airport has its first flights going out and he wondered how they are managing parking right now. Mr. Shipley was under the impression that this was already configured and ready to use. Mr. Shipley asked about the costs (up-front and ongoing) for paying another entity for an app. Mr. Thorpe shared some details and how it can vary depending on the company. Ms. MacKay asked how parking was being done at the Airport right now. Mayor Michelle Kaufusi responded that due to supply chain delays, they anticipate having this solution in place the third week of September, which will be similar to the parking lot gates at the Salt Lake International Airport.

Ms. Whipple asked what still needs to be completed for wayfinding. Mayor Kaufusi shared some context about the wayfinding project and how this was expanded beyond Center Street to include additional historic-styled light and sign poles in the broader downtown area.

Ms. MacKay shared her desire for a city app that could handle parking, utilities, and other customer service requests. Mr. Shipley asked for more follow-up information about the City's public parking garages and access. In the past, there have been some complaints about the accessibility and safety of the public parking areas. Development Services staff indicated they would prepare a follow-up report to address these questions. Mr. Thorpe suggested a parking authority would be an ideal model to manage the parking infrastructure so it can be easily upgraded and maintained. Ms. Whipple asked about the electric vehicle charging stations. Mr. Thorpe indicated these were being installed and managed by Provo Power. **Presentation only.**

3. A presentation from the Housing Committee regarding Accessory Dwelling Units and their expanded use in zones primary zoned for housing. (22-056) ([1:47:09](#))

Melia Dayley, Policy Analyst, presented. At the end of 2021, the Council passed an ordinance to be in compliance with HB82. The Housing Committee has been working on updates to the Accessory Dwelling Unit (ADU) ordinance and are providing several points for specific feedback at this meeting today. Decision points for discussion in this meeting include:

- Occupancy limit
- Permitted use on the west side (internal ADUs only)
- Path 1 for expansion: by neighborhood
- Path 2 for expansion: Street block faces
- Path 3 for expansion: Contiguous property

Councilor Travis Hoban shared a scenario to clarify his understanding of some of the proposal. Councilor David Shipley and Ms. Dayley clarified that this occupancy change only impacts ADUs; other rental housing already permits occupancy of 3. Ms. Dayley added some commentary regarding the State law HB82 and what it said regarding occupancy; Brian Jones, City Attorney, commented about the legality of the City's ADU occupancy. Mr. Shipley clarified that the Council was not unified on an occupancy change from 2 to 3. He gave some insight about past Councilors' opinions on this matter. Councilor Shannon Ellsworth commented on the difficulty of enforcing occupancy. Mr. Shipley added some insight; they will have to enforce based on parking and other factors. The current occupancy limit seems punitive to people who are trying to follow the law. Councilor George Handley recalls that he voted in favor of occupancy of 2 in the past and would like to change his vote to support an occupancy of 3. Councilor Rachel Whipple noted this would make occupancy more consistent for rental units in the city; she felt that it was confusing that ADUs were treated differently.

Councilor Katrice MacKay said she has talked to apartment owners and there are a lot of empty apartments and student housing that is not being used. Provo has unique demographics and she worries if this would push more unmarried students into ADUs and would make it harder for married individuals to find housing.

Brian Jones, City Attorney, explained that small motions from the Council to direct the drafting process help. He reiterated that it is helpful to staff to understand if the majority of Council agrees on individual elements of the proposal, rather than voting the entire proposal up or down.

Motion: George Handley moved to use 3 individuals as the occupancy limit for discussion. Seconded by David Shipley.

Councilor Bill Fillmore said his primary concern is the disproportionate amount of rental housing in Provo. Given that BYU made changes to its housing requirements for students, it is still unknown how this will impact the housing stock in Provo. He is also sensitive to the point raised by Ms. MacKay about small families. Mr. Hoban asked someone from the committee to comment on this.

Ms. Ellsworth explained that with these kinds of issues, they cannot tell people who is allowed to rent their basement or not (i.e., regulating or social engineering the economy to rent to only young couples or only married couples, etc.). She did not think it was justifiable or appropriate in an economic sense. Mr. Fillmore said he was not advocating a discriminatory approach but simply keeping occupancy at 2. Ms. Ellsworth thinks it is not justifiable to keep the occupancy at 2; she felt this flouted the intent of the State legislature. Mr. Shipley did not see a widespread change happening in Provo due to this change. Mr. Shipley thought it would still stay similar due to the number of bedrooms in a unit. He thinks the marketplace will adjust for this and that young couples and young families will still have housing. He thinks hopefully it will encourage student housing to redevelop or renovate to accommodate the market.

Mr. Fillmore reiterated his earlier comments. He thinks this change promotes absentee landlords. Mr. Handley echoed Mr. Shipley's comments; people who intended to rent their home to two people will still rent to two people. Mr. Handley did not want to use Mr. Fillmore's argument as justification for a policy change and he does not think there is any evidence suggesting that change or shift would happen. Mr. Fillmore asked about the status of the housing audit. Mr. Hoban indicated that it is being done at a state level.

Vote: Approved 5:2, with Bill Fillmore and Katrice MacKay opposed.

Ms. Dayley shared more detail on the statewide housing audit. Provo's planning staff did a lot of background work to compile a database. Ms. Dayley reached out to several organizations; the Kem Gardner Policy Institute at the University of Utah and the Department of Workforce Services received funding to conduct a statewide housing audit. Since there is already funding and experts pursuing this project, the City will wait for these results.

Ms. Dayley reviewed the next item for discussion: adding internal ADUs as a permitted use on the west side. Ms. Ellsworth asked what percentage of homes on the west side of I-15 have basements. Ms. Dayley did not have specific data, but she noted that due to the high water table on the west side, many homes did not have basements. Mr. Shipley noted that new construction has been engineered to have basements, but much of the existing housing stock do not. Mr. Shipley shared additional insight about this part of the proposal—the Committee members have had mixed thoughts on expanding ADUs and where to do so. He felt this was a logical and

incremental approach and a good next step that would allow the City to continue to enforce and monitor how ADUs are working. As a committee they have discussed at length education about ADUs, compliance metrics, and how does the City get to what was intended by the state. The alternative is no expansion. He would take anything at this point to get the ball rolling and then explore adding it other places.

Ms. Ellsworth noted that the trend on the west side is for larger acres so she wondered why detached ADUs would not be permitted. Ms. Dayley referenced an issue they discussed in the Committee about capacity on the west side—they wanted to keep this simple while still allowing expansion. Mr. Shipley was not opposed to including external ADUs, but they were just trying to move something forward to expand ADUs. Ms. MacKay said it was important to be consistent with the west side intent statement. She asked if staff received a response on sewer capacity; she thought this was relevant. Ms. Dayley said internal ADUs have already been accounted for in sewer capacity. They would need more data from Public Works if looking into external ADUs.

Mr. Fillmore appreciated the Committee's thoughtfulness on this issue and thanked Mr. Shipley for taking the lead on this expansion on the west side. His only concern was that he views ADUs as a neighborhood issue; he wondered how the committee knew the west side was interested in this. Mr. Shipley said they have not polled the west side, but in his conversations with constituents, when people hear ADUs, most of the people offering pushback were mistakenly interpreting ADUs as duplexes—they do not factor in the legal owner-occupancy requirement. He thinks talking through these issues with residents can help. Mr. Handley said if the Council votes on this now, they are inviting the public to weigh in on it. In the general plan survey responses, district 4 was one of the more favorable districts to ADUs in the city.

Motion: Travis Hoban moved to direct Council staff to include the west side language in an updated ADU ordinance. Seconded by Rachel Whipple.

Vote: Approved 7:0.

In the few remaining minutes, Ms. Dayley outlined several different pathways the Committee proposed for expanding ADUs. They took the designation process for creating an ADU permitted use area from the parking permit area process which already existed in code. The process can be initiated by a Councilor or a resident using one of the three paths. The application must include the proposed boundaries or boundary changes. This application process would apply for any of the three pathways (neighborhood, street block faces, or contiguous property). There is then a public hearing process to determine support after which the Council can pass a resolution or ordinance to adopt the proposed expansion area.

Ms. Dayley explained how the three pathways would work. Mr. Hoban asked about the 66%; they have to get 66% of residents to respond, and then at least 51% of those residents must support the proposal. Hypothetically it would only take 33% of area residents to support it. Mr. Shipley indicated yes, but that it would initiate the process after which more residents would be able to provide input and feedback. Ms. Dayley indicated there had been a few changes to the language. Mr. Handley liked the sound of this proposal—he liked that it gave several options. He could see scenarios in all three pathways where this would be a viable process for neighbors. It

facilitates the process more easily without being binding and allows pockets of the city to move forward with a proposal. He looks forward to having this discussion in a more flushed out way.

Ms. Ellsworth thought this was a bar way too high for citizens—the process for getting an ADU now is very complicated. She doesn't know the last time an ADU application was submitted under the current process because it is so complicated. In her opinion, this was not conservative government when it involves asking a neighbor to approve someone else's property rights. Ms. Whipple agreed it was a high barrier to entry. She liked the multiple pathways that offered a similar process on different scales. She likes that the process accounts for not everyone responding and so that does not derail the process. Some areas of concern raised in the committee were that it could potentially increase the density of people living in an area, which affects property owners and residents. They decided that for enforcement and to be expeditious, they are going to stick with allowing property owners to approve—it is easier to verify property owners based on the tax records for the area. It is harder to verify residents of an area.

Ms. Ellsworth shared additional comments—no other city is doing ADUs this way. Ms. Whipple explained the committee was going this route because there was pushback from two vastly different ends of the spectrum—it places the onus on residents to support or not support specific proposals and gives residents a clearly outlined process so that instead of having the same conversation over and over, the ADU expansion can be moved forward in a way that defers to neighborhood autonomy and community. Mr. Shipley responded to a comment from Ms. Ellsworth, noting this was very different than the current ADU process in place. If there is not a path for a neighborhood or a small group to come together, then the Council will end up spot zoning lots of applications. He thought there needed to be a process beyond spot zoning that would allow ADUs to come forward.

Mr. Fillmore appreciated this neighborhood-based approach. He is inclined to support it and looks forward to a broader discussion. Mr. Hoban asked for clarification about the street block faces. A neighborhood block does not include the people living across the street from you, who are impacted by parking and traffic on that street. By using block faces, it seems more reasonable and logical because those neighbors are most effected by the proposal. Ms. Ellsworth asked how long a block face is according to definition. Ms. Dayley indicated that block faces was not defined in the proposal. Mr. Hoban clarified with an example his understanding of the ratio of property owners required for approval. Ms. Ellsworth also asked about existing duplexes in her neighborhood and how that impacts ADU approvals. Ms. Dayley said the Housing Committee is meeting next week to review the feedback received during this presentation.

Motion: George Handley moved to include the three pathways in a draft (subject to housing committee revisions). Seconded by Rachel Whipple.

Vote: Approved 6:1, with Shannon Ellsworth opposed.

4. A presentation regarding the Renew Choice SharedSolar for Commercial Customers. (22-057) ([2:48:07](#))

Travis Ball, Provo Power Director, presented. Provo Power collaborated with UMPA on a solar farm that can provide more solar power to the City and residents can opt-in on this service. They

have worked with Customer Service to determine a rate structure for commercial customers which they are presenting to the Council.

Councilor Katrice MacKay asked how this rate compared with non-solar power rates. Mr. Ball said opt-in customers are paying slightly more for solar power. The rates cover the cost of depreciation and capital improvements for now, but they made need to adjust some costs impacted by inflation in the future. The rate for power generation is locked for 20 years.

Councilor George Handley asked about the differences between the residential and commercial programs. Mr. Ball explained that commercial rates are structured slightly differently, so customers can request a specific percentage of their usage be from solar. He suggested making that possible for residents as well, which Mr. Ball indicated was a question for the billing team. Mr. Handley liked that 100% solar was an option.

Councilor Rachel Whipple asked since the generation charge was locked, whether the energy charge paid by customers would also remain steady. Mr. Ball explained that there were several different rates that make up the total charge. The locked in generation cost would not change, but if those other elements would change the rate may change slightly. Ms. Whipple asked about the \$75 customer service fee—Mr. Ball indicated that only applied when making changes later on. Mr. Ball indicated that all of the Renew Choice programs are outlined at [Renewchoice.com](https://renewchoice.com).

Presentation only. This item will be scheduled for a future Council Meeting for a vote.

5. A presentation by the Neighborhood Program Review Committee regarding the committee's recommendations for the Neighborhood Program. (22-055) ([2:57:12](#))

Karen Tapahe, Community Relations Coordinator, presented. Ms. Tapahe shared history of the neighborhood program, which was created over 50 years ago and has experienced many changes over the years. She also reviewed the challenges of the current iteration of the program, including low turnout, lack of a code of conduct, meeting locations and meeting access, outsized turnout or demand of certain neighborhoods, and the size of the program with 34 neighborhoods. Ms. Tapahe reviewed the process the Neighborhood Program Review Committee has gone through and she reviewed the proposed changes to the Neighborhood District Program. The program is founded on community building, consistent engagement, and government transparency. The new program would have five districts of 6-8 neighborhoods each. Each neighborhood district would have an executive board. Residents of the district can have a voice in selecting the board leadership. She highlighted some of the feedback received from neighborhood chairs, including concerns about favoritism in the appointment process, how to represent less-engaged neighborhoods, a suggestion to eliminate term limits, the fact that monthly meetings are too often for most neighborhoods, and that district size was too large.

John Magness, Council Interim Executive Director, introduced the changes to the ordinance. This proposal originated with a request to implement a code of conduct for neighborhood chairs that had a lot of negative feedback. As a result, staff have prepared these proposed updates to the program which would build on social capital in neighborhoods. The proposal would rescind the existing chapter of the code and replace it with the proposed ordinance. Mr. Magness outlined the impetus for five districts, which would allow for a more manageable workload for staff who

would be very involved with the program. Mr. Magness outlined the problematic aspects of holding a vote for the neighborhood chair—without having a formal voting system, it created a lot of problematic situations, so that was eliminated from the new program recommendations. Councilor Travis Hoban offered some clarifying comments about neighborhood votes.

Councilor Shannon Ellsworth asked why there would still be situations with informal votes. Mr. Magness said it was just another option for getting feedback. She suggested Open City Hall was a better format and process for getting public feedback. Councilor David Shipley said Open City Hall is still a great tool for getting feedback and taking an informal vote would not preclude them from gathering more formal feedback later. Regarding the question of why they would allow for this informal voting but not informal voting of the chair election, he pointed out that the vote to choose a neighborhood chair was binding and therefore that problem was problematic. With the newly proposed method this still allows the Council discretion.

Councilor Katrice MacKay noted that anyone can respond in Open City Hall. Mr. Magness indicated that for OCH, they primarily rely on the registered responses of residents; it is simply another source of information for the Council's use. Councilor George Handley liked having these informal data points to hear from more Provo residents. Regardless of how people may interpret or perceive these changes, he thought this was trying to open up avenues of communication between the Council and the public. In the past some of the informal methods of communication have not been functioning well in the neighborhoods. He noted that the Council members are elected and are responsive to the citizens—this process is always available.

Mr. Magness reviewed the makeup of the executive board, which would be comprised of a minimum of 7 and maximum of 11 members. This format will allow the Council to give more opportunities to people who may not have been as involved in the past. They will require an orientation for members of the executive board. If there are problems with a member of this board, there is some recourse for the Council to address such issues. The University Neighborhood will still have an appointed chair, Joaquin will still have an apartment owner, and the Downtown neighborhood will still have a business liaison. Mr. Magness reviewed the other sections of the proposed ordinance amendment. The intent is to require the Neighborhood District Program to abide by the Open and Public Meetings Act provisions as well as the Government Records Access and Management Act, along with providing formal training for the board members. Additionally, the matching grant program will be restructured to provide \$5000 to each district for a project, subject to Council office approval.

Councilor Rachel Whipple asked whether training would be provided along with a neighborhood council program handbook. Ms. MacKay indicated there would be a focus on education and they could even do a training meeting specific to the matching grants. Mr. Magness indicated that they have \$30,000 for matching grants, which includes \$5000 for each district, and an additional \$1000 per district to use for community events within neighborhood. The use of these funds is administrated by and subject to Council office approval.

Chair Hoban indicated they were almost out of time and he noted several items they still wanted to address—he wondered if the Council would like additional time at a future meeting or to allow the committee to work on the proposal further and receive feedback from neighborhood

chairs. The consensus was that several Councilors wanted to have more discussion so the item would be brought back to the next Work Meeting. Mr. Handley thought the proposal was very close to being ready. He was fine with the committee making some adjustments in the interim. Ms. Whipple asked if the Council could access a more detailed map to better understand the organization of the neighborhood districts. Mr. Magness indicated they could, and rather than naming the districts they will be numbered and are rough coordinated with Council districts.

Ms. Ellsworth suggested that if the Neighborhood Program Review Committee was reviewing ideas or suggestions, they might want to consider comparing the proposed suggestions to all the City's boards and commissions. Others pointed out this was a Council program, not a City board and commission, so there are some differences. Mr. Magness invited the Councilors to read the current ordinance and submit any comments or questions via email. Mr. Fillmore was impressed by work the committee did. He thought they did an exceptional job and thought this through very well. He is supportive, will welcome any suggested refinements from the Council, but thanked the committee for their work. *Presentation only.*

6. A presentation from the Administration regarding the possible allocation of restricted use funds from the American Rescue Plan Act (ARPA). (22-017) (3:50:57)

Wayne Parker, CAO, presented. Mr. Parker reviewed background information on the American Rescue Plan Act and how the restricted funds can be used. The Administration has recommended two main water and wastewater projects to the Council ARPA Committee. They have also suggested setting aside \$10 million for revenue replacement. One of the recommended projects is to supplement the construction costs for the wastewater treatment plant, which has been impacted by construction inflation over the last year. To keep the project on-budget, they eliminated the use of bioreactors in the treatment plant, as this seemed to be the only way to keep the project on-scope and on-budget. The State Department of Environmental Quality has encouraged the City to retain the use of bioreactors and last year granted the City a low-interest loan and a \$5 million grant to try and restore the bioreactors. There is a gap of about \$3 million to completely fund the bioreactors portion to restore the project to its original scope.

The second project relates to a culinary water treatment plant in Provo and Provo's aquifer storage and recovery (ASR) project. This would fund a 10-million-gallon-per-day water treatment plant with some shelled in improvements that would allow for future expansion to a 30-million-gallon-per-day plant. There are some related improvements that are part of this project to facilitate the ASR component, including additional water lines and pump stations. For those projects the total budget is \$72 million and \$69 million. They are requesting \$19.7 million toward this project. Public Works recently secured an allocation of Utah County ARPA funds of \$14 million, and they anticipate applying for a State revolving loan of \$38.5 million. They also applied for a federal BRIC grant, which they will hear about in the early fall. This is the initial proposal they shared with the Council's ARPA Committee. Mr. Parker anticipated talking about ARPA funds at upcoming meetings as well, before doing an appropriation in the future.

Councilor David Shipley asked if they had projections for revenues or cost-savings to the City that would result from having in-house water treatment capabilities that would make up for the servicing on that debt payment or whether this project would result in new debt.

Dave Decker, Public Works Director, said there are two potential revenue sources for the treatment plant. Provo River water could supplement groundwater through the ASR program. They may also be able to generate revenue through selling water or leasing water rights as a revenue source. The total treatment cost paid to Central Utah Water (including the power loss charge and carriage agreement) was \$500,000. These savings would pay for half the cost of the operation of the treatment plant. Mr. Shipley asked if Public Works felt the rate increases were sufficient to service this ongoing debt as well as the operations without substantial additional increases. Mr. Decker indicated they were pretty confident that with the other revenue sources and savings on outsourcing water treatment, they will be able to cover it. There may still be future small inflationary rate increases in the future.

Mr. Shipley thought the treatment plant represented a security and a sustainability issue for the City. He thought it was important to have conversations about these projects in a public meeting. Mr. Shipley felt that a water treatment plant presented a significant opportunity for the city and he thought the Council should consider it.

Councilor George Handley felt this project was really important for Utah Lake as well as water security in Provo City. He wanted to find out how the City could do this project even if ARPA funds were not available and he was interested in knowing the impact on the City. Mr. Decker explained that the culinary water treatment plant will have the most long-lasting impact on the City of decisions made by the Council and Mayor. It will provide a sustainable supply of water on a long-term basis. Mr. Decker elaborated on the use of the city's Provo River water rights and how this connects into the broader water system in Provo.

Councilor Shannon Ellsworth asked how this project was going to be funded before ARPA funds were available and whether the project costs included land costs and additional infrastructure. Mr. Decker indicated that they had left the options open as to how to pay for this project. Mr. Parker identified several projects that needed to happen in conjunction with the treatment plant: two water lines and a pump station. These would connect the treatment plant to the rest of the water system, which would allow distribution of this water to the rest of the city. One of these water lines would go up to Rock Canyon to facilitate the ASR project. Councilor Bill Fillmore thought this request was prudent planning and contributed to the long-term sustainability of the city. He appreciated Public Works taking initiative on these issues. ***Presentation only.***

7. A presentation on the process for recommending board and commission appointments (22-009) ([4:16:46](#))

Wayne Parker, CAO, reviewed how City boards and commissions work, how they interrelate with departments, the administrative process, and some recommendations they would like to advance. Mr. Parker identified several categories of boards and examples of each:

- Independent boards
- Governing boards
- Quasi-judicial boards
- Advisory boards
- Administrative committees

Mr. Parker shared some details about gender and ethnic diversity on city boards. There are 96 board members, with about 53.1% male and 46.9% female members (while the general population is 49.4% male and 50.6% female). They have 89.6% white, non-Hispanic board members. Mr. Parker also displayed the geographic distribution of board members throughout the City and some population breakdowns for different areas of the City. They are confident that the composition of board members is in rough approximation to Provo's population.

Councilor Rachel Whipple asked what population of the city is north of Center Street versus south of Center Street. Mr. Parker indicated that 74.3% of the city is north of Center Street and 25.6% is south of Center Street. He displayed a graphic that showed the connections between city departments and boards and commissions. Mr. Parker then reviewed the administrative appointment process for board and commission members. He shared some of the factors they consider as they review these vacancies or potential reappointments. They try to stick to a two-term limit where possible and invite new members to become more experienced by participating. Councilor Shannon Ellsworth asked if it was pretty irregular or infrequent that they have to convince people to be on a board. Mr. Parker said it varies. Sometimes they take a more active role recruiting board members. Some boards meet very infrequently while other boards may be more demanding. Mr. Parker outlined their current recruitment approach. Mayor Michelle Kaufusi said the public information officer group is designing a graphic that will be common to all boards and commitments with information about the board member's role with a link to the application. Ms. Whipple asked about the application or appointment process. A more uniform process would also be helpful—she suggested some kind of feedback to the applicants would be helpful. Mr. Parker said they have more suggestions on these items.

Mr. Parker gave more insight into how applicants are vetted and the process for submitting recommendations to the Council. Mr. Parker highlighted some recent challenges, including legal challenges, residency preferences, data-sharing, the advice and consent process, and follow-through with applicants (both those appointed and not appointed). Mr. Parker indicated they would like to review all the boards over the course of the next year and consider changes, including a discussion of residency requirements and standards, streamlining the advice and consent process, submitting nominations to legal review before sending them to Council for advice and consent, using a consistent database between the Council and Administration, doing better public outreach for vacancies, and implementing more systematic responses to applicants from the Administration. Councilor Katrice MacKay said she has heard that people don't get a reply when they applied and so they are usually not sure if their application was even successfully submitted. Mr. Parker indicated they were aware of this problem and were looking at some solutions to this.

Elizabeth VanDerwerken, Council Executive Assistant, reviewed the process outlined in the Council Handbook regarding the Council's advice and consent process. She reviewed the steps in the process as well as some of the resulting challenges. She shared her recommendations for striking several elements in the process in order to streamline the Council's review process. Ms. Ellsworth asked what would happen if the Council submitted feedback late in the review period. Ms. VanDerwerken explained much of the feedback often pertained to compliance issues that would be cleared up earlier by implementing a legal review prior to the Mayor submitting her

recommendations to the Council. Councilor George Handley suggested a more formal process for announcing vacancies so the Council could help identify people that could be nominated.

Mayor Kaufusi indicated her support for the proposed changes; the current process is burdensome and has resulted in a lot of confusion for prospective board members. She indicated the Mayor's Office was also going to improve their process this year.

Motion: Travis Hoban moved to adopt the handbook changes as proposed. Seconded by Katrice MacKay.

Chair Travis Hoban suggested this process go into effect after the board appointments scheduled for that evening had already taken place.

Vote: Approved 7:0.

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 – meet some board and commission appointees.

Motion: Travis Hoban moved to close the meeting. Seconded by George Handley.

Vote: Approved 7:0.

Adjournment

Adjourned by unanimous consent.