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PROVO MUNICIPAL COUNCIL

Work Meeting Minutes

3:00 PM, Tuesday, September 06, 2022

Hybrid meeting: <https://www.youtube.com/provocitycouncil> or 455 W. Center Street, Provo, UT 84601

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

Roll Call

The following elected officials participated:

Council Vice-Chair George Handley, conducting
Councilor David Shipley
Councilor Katrice MacKay
Councilor Rachel Whipple
Councilor Bill Fillmore, arrived 3:19 PM
Councilor Shannon Ellsworth, arrived 4:39 PM
Mayor Michelle Kaufusi, arrived 3:10 PM

Excused: Councilor Travis Hoban

Prayer

Mark Eyo offered the prayer.

Business

1. A presentation regarding the review of Annual Fraud Risk Assessment. (22-067)
([0:10:18](#))

John Borget, Administrative Services Director, presented. Finance staff have completed the self-assessment for the City and Mr. Borget reviewed the questions included in the assessment and the City's responses. In the last few years, the City has implemented some additional measures, such as a fraud hotline and an internal audit, which have been direct efforts to ensure the City is protected against fraud risks. The City's score on the assessment is 384 out of a total 395, which indicates that there is high confidence in the risk prevention measures in place at the city. Part of completing this assessment with the state required this presentation before the Council, which helps also to educate the public about the City's fraud prevention measures. *Presentation only.*

2. A presentation regarding the Fiscal Year 2022 Budget Carryover Report. (22-068)
([0:20:48](#))

Kelsey Zarbock, Budget Officer, presented. Ms. Zarbock reviewed the carryover process that takes place every year. After the conclusion of the fiscal year on June 30, departments submit

requests of unspent budget funds to be carried over to the new fiscal year. In August and September, Finance compiles and reviews this list of requests, after which it is reviewed by the Mayor. Ms. Zarbock reviewed the common categories of carryovers, including funds encumbered on an old fiscal year purchase order, a historically and universally agreed-upon items, funds related to an ongoing job or commitment, other critical equipment needs, and other.

Ms. Zarbock highlighted a summary of carryovers last year versus this year. The total difference is that there is an additional \$1.9 million in carryover requests this year. She noted that this year there were greater budget savings over the course of the fiscal year—budget savings this year were \$735,491 higher than budget savings of the previous fiscal year. Ms. Zarbock highlighted the specific items that contributed to the increased requested carryover funds. The higher requests have largely resulted from encumbrances, vehicle replacement funds, carryover of all remaining fire wildland revenue (to assist in continued fire mitigation efforts), the new city hall, innovation funds awarded (but not yet expended), ARPA carryover funds, and about \$100,000 to account for several corrections to the current fiscal year budget.

Ms. Zarbock highlighted additional details regarding the budget corrections. She reviewed the largest categories of budget carryovers, which were first the carryovers related to ongoing jobs, projects, programs, or commitments; and second the historically agreed-upon carryovers such as computer and vehicle replacement funds. The third largest category is CIP budgets, as these projects are typically multi-year projects with budgets that get moved forward.

Councilor Rachel Whipple asked about the Parks and Recreation CIP list which seemed to have some mistakes, such as the Covey Center carpet replacement being listed twice. Ms. Zarbock explained there had been some revisions made to this list and it was available in OnBase. Councilor Katrice MacKay asked if there were more detailed documents the Council could review. Ms. Zarbock explained which attachments were made available to the Council.

Presentation only.

3. A presentation regarding the "Safe Streets For All" grant opportunity- Final Discussion. (22-065) ([0:35:32](#))

Dave Decker, Public Works Director, presented. He thanked the project team for their work on this project which demonstrated their ongoing commitment to public safety. The intent for this document was that it would be adopted as an appendix to the Transportation Master Plan. Mr. Decker explained that the intent for this document, beyond its relevance to the current grant application, was that it be utilized as a living document to reflect the ongoing work to address various safety concerns with city streets and sidewalks.

Rob Hunter, Assistant City Engineer, highlighted that the Safety Action Plan is an important document for the City. Vern Kessler, Parametrix, also presented. They are working on this Safety Action Plan and the concurrent grant application. Mr. Kessler reviewed the components of the Safety Action Plan and shared some details of each component. The City has a Vision Zero commitment, which means the City commits to implementing proven strategies to reduce fatal and serious injury traffic crashes in the City by 50% by the year 2040. Charles Allen, Parametrix,

highlighted crash data over 2019-2021—he displayed two maps which illustrated different data about crash severity and frequency in a given area.

Councilor Katrice MacKay asked about the 12 fatal crashes reported and whether that figure represented the total number of crashes or total fatalities. Mr. Allen clarified that this figure referred to the total number of crashes. He noted that the distribution of crash severity for Provo was fairly consistent with what they see in most cities. Mr. Allen also shared data about the various crash types which occurred during this three-year period. Councilor Rachel Whipple asked about the crash types involving pedestrians and bicycles—she noted this accounted for a lower percentage among the crash types but she wondered about the fatality levels for these incidents. Mr. Allen indicated he would cover this at a later point in his presentation. These are some of the data points they have been consulting as they strategize on specific mitigation measures the City could pursue to improve safety. One element of the safety analysis referred to the fatal and serious injury crashes by emphasis area (such as the age category of the driver, cause of the incident, etc.). Councilor George Handley asked about whether the categories were mutually exclusive; Mr. Allen confirmed they were not mutually exclusive. Ms. MacKay asked about the “road departure” category—Mr. Allen explained this referred to a driver whose vehicle has gone off the roadway due to drowsy driving or weather, etc. Mr. Allen explained that the highest percentage emphasis area was intersection related—there are many safety features employed intersections in order to properly communicate to drivers who has the right-of-way.

Mr. Allen shared details about the 12 fatal crashes and their key characteristics. He highlighted similarities among these crashes and the types of factors that influenced them. Ms. MacKay asked about one of the projects in the Safety Action Plan. Mr. Allen said the project in question related to red lights and some of the engineering technology available that can adjust the length of the light based on cars that may be in an intersection. Mr. Kessler clarified that specific projects listed have not had cost estimates prepared yet. Mr. Kessler and Mr. Allen clarified that the grant application only covers one project, which would have a minimum cost of \$5 million. Ms. MacKay asked if there were any strings attached to receiving this grant; Mr. Allen explained there were some grant requirements for the application but not a match requirement.

Mr. Handley noted that there were some concerns that the Safety Action Plan as a whole was more catered toward vehicular safety, rather than cyclist and pedestrian safety. Mr. Hunter indicated that this would be a living document and could be adjusted in the future to include more about pedestrian and cyclist safety—they hope to collaborate with the Transportation and Mobility Advisory Committee on it. Mr. Hunter noted that some of the safety elements referenced in the plan had benefits for vehicles, pedestrians, and cyclists. Ms. Whipple noted one of the possible projects was 300 South between 200 West and University Avenue. She noted that this project was one on the radar of UDOT and she asked if this plan would help influence future projects at the state level. Mr. Allen shared that in his experience, a demonstrated commitment from the City about certain projects generally helped as the City could work as a partner on those projects with the state or other agencies.

Ms. Whipple asked about features such as bike boxes, which would place cyclists at the front of an intersection and could increase safety. Mr. Allen said it was an evolving treatment and many agencies are still determining the use of those features. Ms. Whipple hoped the City engineers

could continue to be responsive as they get feedback from constituents about pedestrian signal length and other features. Ms. MacKay asked again about the strategy with choosing one project. Mr. Allen said they planned to choose a project that would have a lot of impact and make a competitive grant application. Mr. Fillmore asked about how they were choosing the project for the grant application. Gordon Haight, Engineering Division Director, shared some insight into their selection process. They are focusing on a central location for the project in this year's application. The grant will be available for the next five years, so they hope to apply for other projects in future project years. Mr. Fillmore asked an additional question about real-time phase length adjustment and Mr. Allen offered some clarifications about how the technology works. Mr. Haight indicated that their review of a project will include a comprehensive review of the associated intersections. Mr. Kessler noted two typos in the safety action plan which they would be correcting. ***Presentation only. This item was already scheduled for the Council Meeting on September 6, 2022.***

**4. A presentation regarding the city's Moderate-Income Housing Report. (22-069)
(1:17:19)**

Brandon Larsen, Planning Supervisor, presented. Mr. Larsen reviewed the requirements changed by a recent law passed by the State Legislature. There is an October 1 deadline for adoption of the revised moderate-income housing plan, which will also be added as an element of the General Plan. Mr. Larsen noted that one of the requirements of the state law was a plan for realistically meeting the needs for moderate-income housing units within the next five years. Due to the presence of the UTA Frontrunner station in Provo, there is an additional element required of the City as part of the implementation strategies that are identified in the plan.

Councilor Bill Fillmore asked about a housing audit. Melia Dayley, Policy Analyst, clarified that the State legislature funded a housing audit by several reputable data consultants which is being conducted at a State level. Mr. Larsen reviewed some more of the presentation, noting several of the prescribed strategies in the state code and several that they felt the City was already fulfilling.

Councilor Katrice MacKay asked about waiving impact fees and whether that was an obligation, or the City would look into the feasibility of doing so. Her understanding was that impact fees were not covering the full costs of those utilities. Mr. Larsen explained this would be a high-level strategy; if the Council did not want to include this, it would be helpful to know now. Councilor George Handley asked how specific the Council needed to be at this stage. He felt specific criteria would be needed if the City were going to explore waiving impact fees. Mr. Larsen noted they could remove this from the implementation plan and incorporate it elsewhere as an option in the General Plan if the Council did not want to remove it as an option entirely. Councilor Rachel Whipple thought that providing general fund subsidies should be preserved as an option. Mr. Handley invited comments from the Council on whether to keep this as an option. Ms. McKay thought that the "where possible" language was helpful—as long as the policy kept flexibility for the city, she was fine with it. Several other Councilors agreed. Ms. Whipple suggested narrowing the strategy to limit the fee waivers to those applying to the moderate-income units.

Ms. Whipple asked if they were able to get the number of accessory dwelling units in the city to insert into page 7. Mr. Larsen said this has been difficult information to identify due to the

different ways ADUs have been permitted and managed over the years. Ms. Whipple asked if ADUs were required to disclose to the City as part of the permitting process what rent they were charging. Mr. Larsen did not believe this information was captured. Ms. Whipple also asked about how they factor in student households and incomes; Mr. Larsen said they had some data from the Census but overall they were lacking in a lot of data on this segment of the population. Ms. Whipple asked how student housing (which was often rented by the room with multiple tenants to a room) was accounted for in the City's housing data. Mr. Larsen indicated he could see if their staff member who worked with rental dwelling licenses could look into this. Ms. MacKay indicated that she shared many of Ms. Whipple's concerns. She wondered if the City could work with landlords to demonstrate some of the different data points that could better inform this report for the City. Mr. Handley shared additional comments about the student population. Mr. Handley liked the element of the report which addressed fair housing and landlords. Mr. Larsen continued reviewing the strategies outlined in state code. He explained that the City had until 2025 to complete the station area plans, but staff hoped to work on these as soon as possible. Mr. Larsen invited the Council to review the draft document provided to them and to provide feedback over the course of the next week. ***Presentation only. This item will be scheduled for the Council Meeting on September 20, 2022.***

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. ***None requested.***

Adjournment

Adjourned by unanimous consent.