

Please Note – These minutes have been prepared with a timestamp linking the agenda items to the video discussion. Electronic version of minutes will allow citizens to view discussion held during council meeting.



PROVO MUNICIPAL COUNCIL

Work Meeting Minutes

1:00 PM, Tuesday, October 04, 2022

Council Chambers

445 W. Center Street, Provo, UT 84601 or

<https://www.youtube.com/provocitycouncil>

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

Roll Call

The following elected officials participated:

Council Chair George Handley, conducting

Council Vice-chair Katrice MacKay

Councilor David Shipley

Councilor Bill Fillmore

Councilor Rachel Whipple

Councilor Shannon Ellsworth

Councilor Travis Hoban, arrived 1:20 PM

Excused: Mayor Michelle Kaufusi

Prayer

Justin Harrison offered the prayer.

Approval of Minutes

August 9, 2022 Work Meeting

September 22, 2022 Joint Meeting with Provo School District

Approved by unanimous consent.

Business

1. **An ordinance amending the General Plan Section 1.2.9 (Lakeview North Neighborhood) and appendix C5 (Lakeview Fields SDP). Lakeview North Neighborhood. (PLGPA20220182) ([0:13:13](#))**

Aaron Ardmore, Planner, presented. Mr. Ardmore indicated that one of the applicants was likely going to withdraw from the application. This proposal would amend the general plan to increase the maximum density permitted on the west side from 4 to 7 units per acre (gross). Councilor Shannon Ellsworth asked if the item was being continued; Mr. Ardmore clarified that the remaining applicant, Jay Henrie, would still like the application to move forward. ***Presentation only. This item was already scheduled for the Council Meeting on October 4, 2022.***

2. An ordinance amending the Regional Shopping Center (SC3) zone to allow Animal Hospital Services as permitted use. Citywide application. (PLOT20220274) (0:16:28)

Aaron Ardmore, Planner, presented. This proposal would amend the City code to add animal hospital services as a permitted use in the SC3 zone in order for the applicant to facilitate a project at the River's Edge project on University Parkway. Councilor George Handley asked if there was currently an animal hospital in the city. Mr. Ardmore indicated there is another animal hospital in the city, but it was not located in the SC3 zone. *Presentation only. This item was already scheduled for the Council Meeting on October 4, 2022.*

3. An ordinance approving a petition to vacate an undeveloped public street near the Springville boundary and approving a plat amendment and property exchange in order to facilitate the development of a new, adjacent public street. (22-042) (0:17:37)

Dixon Holmes, Assistant CAO, presented. This item was brought to the Council previously as well as presented to the Redevelopment Agency Executive Committee. Mr. Holmes reviewed the proposal, which would realign a portion of the boundary between Provo and Springville in order to facilitate the construction of a road connecting into the Ironton area of Provo.

Councilor Bill Fillmore asked if this was a conditional vacation of the property. Mr. Holmes said it is not conditional; they are asking the Council to go ahead and approve the vacation of the property and authorize the surplus of the other property. In two weeks, the Council will hear the boundary line adjustment part of the project; due to noticing requirements, it had to be scheduled for October 18, 2022, but the proposal is ready to move forward. Councilor George Handley asked Mr. Holmes to refresh them on the history of this item and Mr. Holmes provided some additional context. Mr. Fillmore asked what a ROW line was (as indicated on the map). Mr. Holmes said that ROW was an abbreviation for Right-of-Way. Councilor Shannon Ellsworth said this item previously came to the Redevelopment Agency board and this would be a beneficial adjustment for the City. *Presentation only. This item was already scheduled for the Council Meeting on October 4, 2022.*

4. A presentation regarding an update on the Provo River Delta Restoration from the Utah Reclamation Mitigation and Conservation Commission (22-071) (0:55:53)

Michael Mills, Eric McCulley, and Melissa Stamp, U.S. Bureau of Reclamation, presented. Mr. McCulley reviewed details of the delta restoration project, which included restoring the river delta as well as habitats for the June Sucker fish population. He shared details on the recreation features that will be installed as part of the project. Mr. McCulley reviewed the construction schedule and timeline and the various project phases that would be constructed. Councilor Bill Fillmore asked about the coordination they are doing with the airport on the bird population. Mr. McCulley explained how their coordination works; they also changed some of the design features of the delta in order to encourage larger birds to go to other areas away from the airport. They are confident they can manage this and they will continue to monitor this over time. Mr. Mills explained they worked with the Division of Wildlife Resources, who are also involved in coordinating between the different agencies to address any impacts that may develop. Mr. Fillmore also asked about potential mosquito abatement. Mr. McCulley said that mosquitos are

part of the natural environment. He explained the water in the delta would be moving and flowing through the channels which would help. Councilor George Handley asked if there would be additional opportunities for tours. Mr. McCulley said there would be, including monthly on the second Saturday during the spring, summer, and fall. Mr. Handley asked if there would be additional recognition of the landowners in the area; Mr. McCulley indicated this was still in progress but they were coordinating with landowners.

Mr. McCulley continued with several more slides in his presentation, noting a current trail closure due to a river diversion. He reviewed the stakeholder outreach and coordination that is taking place. They will have a recreation work group to refine some of the recreation element. They also collaborate with the local high schools and universities as well as run an internship program. He reviewed additional outreach efforts they are using. There are some different objectives for each of the community partners involved in the project which they hope to accomplish. Several land acquisitions as well as coordination on easements and a boundary line adjustment are also needed. *Presentation only.*

5. A discussion regarding a proposed Timpanogos Golf Club Transfer (22-074) **(0:29:36)**

Scott Henderson, Parks and Recreation Director, presented. He provided some background information on this request and on the operations of the golf course during the pandemic. During this time, the Parks and Recreation was also working toward national accreditation. Mr. Henderson reviewed some of the challenges at the golf course, including construction to accommodate a private development. He highlighted additional benefits of the golf course.

Brett Watson, Golf Course Manager, presented on the current operations at the golf course. The golf course is currently self-sustaining, with over 100,000 rounds played in the last year. They are on pace to reach \$1.8 million in revenues this year. Next year will be the 100th anniversary of golf in Provo. Sustainability is a focus at the golf course with native plant areas and water reuse that are important to the golf course operations.

John Borget, Administrative Services Director, explained the operating transfer, which relates to operations in the year 2020. The City's auditor had recommended that the City transfer funds to the golf course to mitigate the revenue impacts of construction in 2020. The Administration reviewed some options—there is some funding in the Legacy CIP which has not been spent and could be an appropriate use for this, as the revenue loss is directly related to the pandemic.

Councilor Shannon Ellsworth asked what other funding mechanisms could be used; Mr. Borget said the other option would be to utilize general fund balance. Councilor George Handley asked with the revenues are going up as quickly as they are, whether there was a way to cover the gap with golf course revenues. Mr. Borget explained that the revenues were important for continued investment in the golf course; due to the investment that is being made there, funding that 2020 shortage would negatively impact their budget. Mr. Handley said his biggest reservation was that there are other important uses for Legacy CIP funds; he was concerned with whether this funding could be used towards the completion of the Rock Canyon Master Plan and roundabout at 1450 East. He is hesitant to commit the funds for the golf course transfer until they have figured out

how to fund the Rock Canyon expenses. Ms. Ellsworth indicated it would be a stronger process if these types of requests came through the ARPA Committee in order to properly weigh them against other priorities. Mr. Handley asked how soon the golf course needed an answer. Mr. Borget explained that this question may come up again in the audit this year so their preference is to resolve it soon. Councilor Katrice MacKay asked if there was a spending deadline on the Legacy CIP; Mr. Borget explained that the CARES Act funds had already been used as revenue replacement for public safety revenue, so the Legacy CIP funds were not limited or time-restricted the way CARES Act funds had been.

Councilor Bill Fillmore expressed support for funding this transfer. Councilor David Shipley asked if the Parks and Recreation team could speak more to the golf course expansion and how they are making the golf course more accessible to the public. Mr. Henderson addressed this—many of the functions of Parks and Recreation are niche activities that not everyone does. However, they have really increased the activities available at the golf course—the large increases of rounds played and increased revenue demonstrates that more users are using the golf course. By diversifying their programming, they have made the course very successful. Mr. Shipley hoped the course could have low barriers to entry so more families could get involved. Mr. Handley underscored Mr. Fillmore’s comments and indicated the Council would find a funding source for this. He suggested the ARPA Committee provide a recommendation on where the funds should come from for the golf course transfer. *Presentation only.*

6. A discussion and update from the Natural Resources Committee regarding water conservation. (22-075) ([1:42:22](#))

Councilor George Handley outlined some of the discussions of the Council’s Natural Resources Committee; they would welcome the Council’s thoughts and feedbacks on some of the policy topics they are reviewing. The Committee has heard some different presentations on water conservation from several other entities in Utah as well as Provo Public Works.

Melia Dayley, Policy Analyst, presented. The Natural Resources Committee is reviewing legislative and policy measures to implement more waterwise practices in Provo. Hannah Salzl, Sustainability Coordinator, and Councilor Shannon Ellsworth are both attending a water policy conference with some other officials from the City; the City has also received 100 hours toward a code audit which will look at water policy in city code. The committee is looking for Council feedback on several items for the future: public education of Provo residents, technology updates (such as smart meters), and flipping strips (including reduction of grass turf on city parcels, developing standards for new development, and incentives or programming to promote flipping of existing park strips). The Committee met with Development Services staff regarding landscape design standards for park strips. Some resources have also been provided with the meeting agenda materials, including state and federal programs that residents can already use for promoting water conservation in their homes.

Councilor Bill Fillmore expressed they are all in favor of preserving water where they can. They discussed getting some cost benefit analysis as part of evaluating water savings. Provo has a fairly unique water resources program with the Aquifer Storage and Recovery project; he thought any water conservation measures should be customized for Provo. Councilor Shannon

Ellsworth said there are some easy legislative and policy solutions that would not cost the city any money; there are other initiatives like citizen education which would require some funds. The Committee has not made a formal proposal yet but is evaluating what would be best for Provo. Councilor George Handley invited questions from the Council. Councilor Rachel Whipple suggested ensuring that park strips are safe and walkable (i.e., not allowing surface treatments that create trip hazards). Councilor Katrice MacKay was supportive of the direction; she was not interested in any punitive measures. Mr. Handley said they had not contemplated anything punitive. He said it was helpful to know about any concerns the Council had as the committee deliberates their recommendations. *Presentation only.*

7. A presentation regarding towing ordinances (22-076) ([1:57:48](#))

Brian Jones, City Attorney, and Mark Eyo, Council Intern, presented. Mr. Eyo researched about towing of delivery vehicles; he outlined the results of his research including the differences in the code for controlled versus uncontrolled lots. Some cities designate a specific grace or waiting period of 15 or 30 minutes before a tow can happen.

Councilor Rachel Whipple had thought about having properties designate a location for short-term use such as delivery drivers. Brian Jones, City Attorney, noted that Provo does not have a distinction between controlled and uncontrolled lots. He indicated that one of the existing requirements for properties that do patrol tows, is that those areas have designated visitor parking. Councilor David Shipley asked if the current code had a grace period; Mr. Jones explained that with the way city code is written and fees are charged, towing companies are essentially incentivized to connect vehicles to a tow truck as quickly as possible. Mr. Shipley noted there are some issues with Ms. Whipple's proposal; he wasn't sure if it was realistic and there are some areas of the city that do not permit on-street parking at all. Mr. Shipley liked the idea of a grace period for delivery drivers or individuals making brief stops to pick up or drop someone off similar to what is in the Ogden city code.

Mr. Jones outlined a few issues; Ogden's code is not specific to delivery vehicles. Instead, it simply creates a grace period for all vehicles. He outlined some potential complications with this specific provision. Councilor George Handley asked Mr. Jones for clarification on his thoughts on short-term parking. Councilor Shannon Ellsworth commented with some anecdotal experience of delivery vehicle parking in different styles of housing she has lived in in Provo. Councilor Katrice MacKay thought this discussion was about apartments; she felt 30 minutes was too long but that 15 minutes was appropriate.

Mr. Jones presented on towing signage requirements and fees. He noted that Provo distinguishes between patrol tows and request tows. Mr. Jones reviewed the differences between the state code and city code on patrol tows. Any sign that meets state code would meet Provo city code, except for requiring that the fees are listed on the sign. Listing the fees is problematic now that the city code refers to a specific percentage of the state fee. The City code on request tows is also similar to state code in many regards, with several slight differences. Mr. Jones recommended repealing the City code provisions, as the state code is much more detailed and exhaustive; the provisions are not in conflict, but as written it is a bit redundant and inaccurate.

Councilor Bill Fillmore asked if the City code should refer to state code or just repeal the chapter entirely. Mr. Jones didn't feel a cross reference was necessary since most towing companies should already be familiar with state code. For simplicity, he would suggest taking out the provision in city code about signage as well. Mr. Jones said state code distinguishes between three types of towing: patrol tows, request tows, and towing without signage. City code does conflict with state code on this point; state code allows removal of vehicles 24 hours after posting a written notice on the vehicle, while the city code requires the vehicle be there for more than 72 hours—he recommended taking that out of city code.

Mr. Jones reviewed the state code and city code regarding towing fees. Ms. Whipple asked about additional fees added by towing companies; she has heard from constituents about other fees they have been charged by towing companies such as an after-hours fee. Mr. Jones said the after-hours fee was a bit ambiguous. Mr. Jones did not have any specific recommendations on the City's fees; it was up to the Council whether they want to make any changes.

Ms. MacKay commented on fees and asked for some clarification on what Provo's towing fees are. She thought it might be helpful to explain how the fees work under Provo's existing city code; Mr. Jones indicated he could prepare a clarification on this to bring along with the amendment about the signage. Mr. Handley asked what they were looking for from the Council. Mr. Jones explained since it is his recommendation to take the signage recommendations out, he can simply bring forward a code cleanup ordinance that addresses those recommendations. If the Council would like additional items, besides clarification on the city code's 80% of state fees, then it would be helpful to receive comments or direction from the Council to that end.

Mr. Handley asked if anyone opposed cleaning up the signage provisions. Councilors did not voice any objection. Mr. Fillmore liked the idea of a 15-minute grace period and shared comments on the 80% fee limit. Ms. Whipple suggested a 15-minute grace period apply to any vehicles, but she also understands the difficulty this might create for enforcement. Mr. Jones responded to a comment from Mr. Handley; Provo City already requires someone from the towing company to be available after hours. Mr. Jones thought he had enough direction at this point and indicated he would prepare an ordinance amendment. *Presentation only.*

8. An ordinance amending Provo City Code Section 4.01.010 regarding the process for making appointments to the civil service commission to align with state code. (22-009) ([2:42:40](#))

Brian Jones, City Attorney, presented. The State code designates the Council as the appointing authority for the Civil Service Commission, while City code indicates the commissioners are appointed by the Mayor with the advice and consent of the Council. This code amendment simply amends City Code to reflect the process dictated by state code.

Mr. Jones noted they have encountered some issues recently with the Civil Service Commission, as the state code does not designate a process or ability to appoint alternate members. Mr. Jones is working with Provo's state representative to run a bill to resolve this. He also intends to discuss with Provo's state representative some issues regarding the appointment process for the Metropolitan Water Board. Regarding the Civil Service Commission, state code has specific

requirements about the political party of the commissioners; Mr. Jones felt that this did not make sense as municipal elections in Provo are non-partisan. He invited input from the Council regarding whether he should include in his request to the state legislators a suggestion to update other provisions of the Civil Service Commission, such as the political party requirement or the appointing authority (to be consistent with the other city boards and commissions which are a mayoral appointment with Council advice and consent).

Councilor Bill Fillmore is fully supportive of Mr. Jones' recommendations. Councilor Shannon Ellsworth suggested going forward they should not appoint a former employee of the City. Mr. Jones indicated that hearing appeals was a secondary function of the committee; the primary purpose of the committee is reviewing promotions and some of the other functions of public safety. This has caused some issues and if it were to change so the Administration is making the appointment, they would take that into consideration in the future. Mr. Jones did not have strong feelings either way; his idea in bringing this to the Council was that it has seemed to be a burden on the Council lately but he was supportive of the direction the Council saw fit.

Councilor David Shipley commented on the political party issue; he felt there could be situations where political party could influence the actions of the Commission due to party leanings. He couldn't think of any other intent for that specific provision, but he thought it made sense to include that as a consideration. Councilor Katrice MacKay shared Mr. Shipley's thoughts.

Mr. Jones clarified that the only item coming to the Council tonight is the code cleanup of Provo City Code. Mr. Jones can limit his asks of the state legislator to the items he thinks are the most critical legally, and he can leave out the other items where the Council has not come to one opinion. ***Presentation only. This item was already scheduled for the Council Meeting on October 4, 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.

Motion: Shannon Ellsworth moved to close the meeting. Seconded by David Shipley.
Vote: Approved 7:0.

Adjournment

Adjourned by unanimous consent.