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PROVO MUNICIPAL COUNCIL

Regular Meeting Agenda

5:30 PM, Tuesday, August 01, 2023

Council Chambers (Room 100)

Hybrid meeting: 445 W. Center Street, Provo, UT 84601 or

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

Roll Call

THE FOLLOWING MEMBERS OF THE COUNCIL AND ADMINISTRATION WERE PRESENT:

Councilor Shannon Ellsworth

Councilor Bill Fillmore

Councilor George Handley

Councilor Katrice MacKay

Councilor David Shipley

Councilor Rachel Whipple

Mayor Michelle Kaufusi

CAO Wayne Parker

City Attorney Brian Jones

Council Executive Director Justin Harrison

Conducting: Chair Katrice MacKay

Excused: Councilor Travis Hoban

Prayer – Aaron McCullough

Pledge of Allegiance – Councilor Fillmore

Public Comment

Chair MacKay read the public comment preamble and opened the public comment period.

Denise Denay, of Orem City, congratulated City on award. She invited the Council and Mayor to visit the sustainability school.

Christine Leeman expressed her intention to speak since she had to depart later, discussing the conservation and resiliency plan. She shared her support and mentioned feeling proud to reside in a city as forward-thinking as Provo, which had been proactive in envisioning and preparing for the times ahead.

With no other comments, Chair MacKay closed the public comment period.

Presentations, Proclamations, and Awards

1. A presentation of the Environmental Stewardship Award to Provo City (23-011) ([0:16:20](#))

James Westwater, Chairman of the Utah Valley Earth Forum, mentioned that the Utah Valley Earth Forum was established in 2006 with the purpose of aiding Utah Valley Communities in their pursuit of sustainability and responsible stewardship of the Earth. Over the past decade, the Earth Forum has been conducting environmental surveys in various Utah Valley cities and towns. These surveys aimed to showcase the region's sustainability efforts, improve residents' well-being, and contribute positively to

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the planet. The surveys not only highlighted ongoing initiatives but also provided a list of actionable steps that communities could take to promote helpful practices. They were designed to motivate cities to do more and to recognize exceptional endeavors that aimed to make a difference. Provo City's environmental efforts spanning from 2020 to 2023 had been so remarkable that they earned the city the UV Earth Stewardship Award for Exemplary Achievement from the Earth Forum. He congratulated Provo and all those involved, urging them to continue their commendable work.

Action Agenda

2. A resolution appointing an individual to the Board of Adjustment (23-005) ([0:22:10](#))

Motion: An implied motion to approve Resolution 2023-33, as currently constituted, has been made by council rule.

Mayor Michelle Kaufusi presented and recommended Amanda Peterson to be an alternate on the Board of Adjustments.

With no questions or council discussion, Chair MacKay called for a vote.

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

3. An Ordinance amending Provo City Code to allow meeting halls for rent as a conditional use in the Agricultural Zone and establishing standards for that use. Citywide Application PLOTA20230082 ([0:23:50](#))

Motion: An implied motion to approve Ordinance 2023-33, as currently constituted, has been made by council rule.

Aaron Ardmore, Planning Supervisor, presented. He discussed the proposed text amendments which included adding “meeting halls for rent” to the list of conditional uses in the A1 zone and adding standard conditions to Section 14.34.250 of code.

Councilor Whipple asked what percentage of the land would be converted into the meeting hall.

Mr. Ardmore said the proposal states no more than 49 percent could be used for the structure, including parking, and added that it could be adjusted if the council desired.

Chair MacKay invited Barry and Judy Finch, the applicants, to present.

Mr. and Ms. Finch shared the impact their farm has had in previous years due to the development of Lakeview Parkway and the Regional Sports Park. They addressed the process that they have been through including attending neighborhood meetings and meetings with Development Services staff and the planning commission. They discussed the concerns of staff and said they feel like their project is in alignment with the General Plan and the Southwest Neighborhood Plan.

Chair MacKay opened the item for public comment.

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Scott Campbell, owner of Strider Security, shared his support for the project. He shared his opinion of instances when it would be appropriate to have more than one security officer present.

Kathy Sorensen, of Provo, shared her belief in being able to protect one of the last pockets of agriculture in the city, drawing from her upbringing on the Finch family farm spanning almost six decades. She emphasized the farm's importance in offering unique experiences like pony rides and hands-on interactions with animals. She said she views the farm as a long-standing community asset that could fade if a barn was not built. She said her fear is the land transforming into a generic housing development. She urged the council to help preserve the farm.

Adam Finch, of Provo, spoke about his deep connection to the farm, where he grew up and is set to inherit alongside his siblings. He said the addition of this building to the property would simplify its maintenance and make the decision to keep it much smoother. Instead of contemplating selling the property, they would focus on constructing it together as a family, ensuring the preservation of agriculture for future generations. He highlighted the enduring nature of the building, designed to last, and symbolize family unity. He believes the construction would foster a stronger sense of community among his family and beyond. He also noted that if similar initiatives arose, it would benefit agriculture and the city.

Halley Finch, of Provo, shared her experience of getting married in her in-laws' backyard, a chance she never anticipated having while growing up. The first time she visited the farm, her mother-in-law took her on a horseback tour, which filled her with immense joy. Her desire was to extend this opportunity to other families and girls like her who had dreamt of a farm wedding with horses in the backdrop. She hoped to provide her daughter and potential future children with the chance to grow up on the farm, engaging with animals and experiencing the same upbringing she treasured.

Aaron McCullough, of Provo, said he only sees this project as a positive for the neighborhood and an asset for the city.

Kirsten Zimmerman, of Provo, said she lives in a cul-de-sac very close to the Finch property, and cherished the presence of the farm. The sounds of animals interacting in the mornings brought her joy. The fact that there was still farmland in West Provo was something she valued. She hoped that the Finch family could maintain their farm in a manner that suited their needs. She believes this goal was in harmony with the city's regulations and could enhance the neighborhood while adding to the farm's beauty.

Kathryn Blomberge, of Provo, stated she views this as a chance to preserve a special place. She mentioned her involvement in the community activities hosted by the Finch family, such as her son's horse-riding experience. These opportunities would not have been possible without the farm. Her daughter was also learning horse work with Judy, an experience she had observed that morning. She appreciated the hands-on learning and the extra benefits like being invited to pick blackberries. She emphasized the importance of maintaining such experiences for those without farms, who could truly benefit from them.

With no other public comments, Chair MacKay brought the discussion back to council.

Councilor Fillmore asked Mr. and Mrs. Finch to address some concerns that were emailed to council, specifically noise complaints and security.

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Councilor Whipple asked how they plan to balance farm life with an event space. She also asked if they plan to continue to board horses.

The Finch's responded that the event space is something that will be operated by the family together. They said the horses that they have on the property are taken care of by their owners. They explained their plan to upgrade some of the existing buildings that are visible and discussed which buildings would be removed.

Councilor Whipple expressed her desire to maintain enough of the property to not impact the ability to farm and preserve the land for agricultural type uses.

Chair MacKay shared she believes it would be more appropriate in an overlay zone.

Motion: Councilor Handley made a substitute motion to instruct staff to come back with a proposal exploring the option of an overlay zone. Chair MacKay seconded.

Mr. Finch expressed his frustration at the goal post being moved.

Brian Jones, City Attorney, explained the purpose of overlay zones and shared the pros and cons of an overlay zone were discussed in the work sessions.

Councilor Ellsworth asked for clarification on the motion.

Mr. Jones shared his understanding that the motion made by Councilor Handley was a substitute motion. He also explained that the substitute motion implies that no action should be taken until staff comes back with the alternative proposals.

Councilor Shipley shared the potential for a farm owner to engage in agribusiness as beneficial for the city. However, he also considered the concerns raised by the staff regarding property use and conditional permits. He acknowledged that conditional use permits might restrict decisions to specific criteria, disregarding external factors. While he understood this could be frustrating for the applicant, he believed in the staff's intention to safeguard the city's interests. He said that the overlay zone could provide a middle ground, allowing the protection of agribusiness and farmers while offering more nuanced decision-making tools. He expressed his support for the substitute motion.

Councilor Whipple emphasized the importance of getting things right to ensure protection for the property and other aspects. She believes that rushing could lead to failures and preferred a careful approach. She suggested that alignment with city staff was crucial, considering the applicant's security measures and operational costs. She expressed concern about imposing additional conditions that might strain the business's viability. She said an overlay could be a better solution and she does not want to penalize their enthusiasm by imposing unnecessary conditions.

Councilor Shipley added that timing should be considered for the applicant's sake.

Chair MacKay called for a vote on the substitute motion.

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

4. An ordinance amending the General Plan to adopt the Conservation and Resiliency Plan. Citywide Application. (PLGPA20210367) ([1:31:55](#))

Motion: An implied motion to approve Ordinance 2023-34, as currently constituted, has been made by council rule.

Hannah Salzl, Planner and Sustainability Coordinator presented the plan.

Chair MacKay opened public comment.

Tim Jeffick, BYU Student, shared his enthusiasm and gratitude as a BYU student and future-oriented individual. He admired the factual foundation of the plan, praising Hannah and her team for their extensive efforts in ensuring its effectiveness. He believes that local action drives broader change, making Provo a shining example. He anticipates contributing to the Citizens to Sustainability Council and supporting the initiative. He encouraged the council to approve the plan, celebrating their role in its development.

Don Jarvis, Sustainability Advisor, highlighted the significance of the changes he had witnessed for Provo. He acknowledged that the sustainability committee had played a role in the plan but stressed that it was not solely their work. Hannah, the driving force behind the plan, collaborated extensively with every department and gathered input which enhanced existing efforts. The plan had evolved into a consensus-based program, reflecting a collective desire to create positive change. He expressed appreciation for the city council's review and thanked everyone who contributed to the plan's development.

Isak Blomberge, said he lived in Sweden, where clean energy and sustainability are prioritized in the energy sector. He acknowledged that his long-term residence in Provo was not certain, but if he did decide to stay, it would be due to the city's commitment to sustainability. He expressed his hope that sustainability would receive significant attention and become a central direction for the community.

Sandra Shumway, of Provo, shared her concern that many residents had not been made aware of this plan.

Chair MacKay closed public comment. She explained that the plan did not enforce mandates on citizens. She said instead, it aimed at education and aligning departmental goals. Any significant changes like altering water pricing or implementing mandates would undergo an individual voting process with public input. She highlighted the extensive citizen involvement in the plan's development, including surveys and public input sessions facilitated by a citizen committee.

Councilor Fillmore thanked Mr. Jarvis and the sustainability committee for their hard work on this plan. He also explained that this plan is aspirational.

Councilor Whipple asked Ms. Salzl when the final numbers and statistics would be added into the document.

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Councilor Handley thanked department heads and Mayor for their support and efforts in developing this plan. He expressed his full support for the plan.

Councilor Fillmore asked if it would be appropriate to wait to vote on the item to allow for more public input.

Councilor Whipple shared her preference would be to vote on the item tonight. She added that there has been a lot of public engagement throughout the development of the plan.

Councilor Handley shared the planning process has been significantly delayed already. He said he is eager to vote on this plan so others that are pending can be worked on.

Chair MacKay called for a vote.

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

Adjournment

The meeting was adjourned by unanimous consent at approximately 7:20 p.m.