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PROVO MUNICIPAL COUNCIL

Redevelopment Agency of Provo

Regular Meeting Agenda

5:30 PM, Tuesday, January 09, 2024

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 Becky Bogdin

Councilor Gary Garrett

Councilor Travis Hoban

Councilor Rachel Whipple

Chief Administrative Officer Scott Henderson

Council Executive Director Justin Harrison

Councilor Craig Christensen

Councilor George Handley

Councilor Katrice MacKay

Deputy Mayor Isaac Paxman

Assistant City Attorney Gary Millward

City Recorder Heidi Allman

Conducting: Chair Katrice MacKay

Prayer – Shane Bogdin

Pledge of Allegiance – Councilor Bogdin

Presentations, Proclamations, and Awards

1. A recognition of Provo City's receipt of the National Inclusion Alliance's Digital Inclusion Trailblazer Award (24-008) [0:10:35](#)

John Borget, Director of Administrative Services, presented. He shared this is the fourth consecutive year that Provo City has been named as one of the Digital Inclusion Trailblazers. He added that in addition to the award, the city received the highest honor as a Visionary Digital Inclusion Trailblazer. He said this award is attributed to the effort from the community and named the other organizations who participated alongside the city. Mr. Borget shared the following quote from Mayor Kaufusi, "“Families can become self-sufficient through improving technology skills, which lead to greater employment opportunities.”"

2. A presentation of the Fiscal Year 2023 Popular Annual Financial Report (24-014) [0:15:25](#)

Andrea Wright, Budget Analyst, presented. She stated the Popular Annual Financial Report is a more condensed and summarized version of the Annual Comprehensive Financial Report. She said this report was created to make it easier for residents to understand. She added that the financial reports can be found online. She discussed the various sections of the report and gave examples of questions that residents might ask council members.

Councilor Christensen said this report was super helpful and shared his appreciation for the time that staff put into the report.

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Public Comment [0:21:50](#)

Chair MacKay read the public comment preamble and opened the public comment period. With no comments, she closed the public comment period.

Action Agenda

3. The election of the Municipal Council Chair and Vice-chair. (24-001) [0:23:05](#)

Chair MacKay reminded that no discussion is allowed on this item and called for nominations.

Councilor Bogdin nominated Chair MacKay.

Vote: The nomination was approved 7:0 with Councilors Bogdin, Christensen, Garrett, Handley, Hoban, MacKay, and Whipple in favor.

Councilor Christensen nominated Councilor Whipple for Vice-Chair.

Vote: The nomination was approved 7:0 with Councilors Bogdin, Christensen, Garrett, Handley, Hoban, MacKay, and Whipple in favor.

4. A resolution acknowledging the election of the Chair and Vice-chair of the Provo Municipal Council for calendar year 2024. (24-001) [0:24:50](#)

Motion: An implied motion to approve Resolution 2024-1, as currently constituted, has been made by council rule.

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

Vote: The motion was approved 7:0 with Councilors Bogdin, Christensen, Garrett, Handley, Hoban, MacKay, and Whipple in favor.

Chair MacKay opened public comment for a resident who wished to make a comment but missed the public comment period.

Brian Woodfield, of Provo, expressed concerns about several issues during his statement. He highlighted three main problems he has been working on with the city administration. These include dogs not on leashes, dogs leaving waste on trails, and issues related to motorcycles. Mr. Woodfield shared personal experiences of almost being run over by motorcycles and being bitten by dogs, resulting in scars. He mentioned that despite the city's efforts to add signs to trail access points, the problems persist, and enforcement has faced resistance from the public. He is urging the council to support the administration in addressing these issues to ensure the safety of individuals walking on the trails.

5. An ordinance amending Provo City Code regarding various administrative reports. (23-025) [0:26:09](#)

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Motion: An implied motion to approve Ordinance 2024-1, as currently constituted, has been made by council rule.

Justin Harrison, Executive Director of Council, presented. He provided information about the updates, which include removing reports that are no longer relevant, modifying existing reports for greater accuracy, updating the designated individuals, and adjusting reports activated by specific events.

Councilor Whipple jokingly said she was disappointed to not have received a report from the City Sexton and would not in the future with these changes.

Councilor Handley inquired about a report requested by the council, detailing the annual acquisition of electric vehicles within the fleet.

Chair MacKay opened the item for public comment. With none, she brought the discussion back to the council.

Councilor Garrett acknowledged the significant effort evident in updating the reports and praised the staff for their dedicated work on the task.

Chair MacKay called for a vote.

Vote: The motion was approved 7:0 with Councilors Bogdin, Christensen, Garrett, Handley, Hoban, MacKay, and Whipple in favor.

6. A resolution approving the appropriation of \$60,000 in the Covey Center fund and a related transfer of \$60,000 from the General Fund to the Covey Center fund (23-087) [0:38:30](#)

Motion: An implied motion to approve Resolution 2024-2, as currently constituted, has been made by council rule.

Kelsey Zarbock, Budget Officer, presented. She mentioned that the approved supplemental request for the Covey Center was not correctly incorporated into their budget. She explained that the delay in requesting the appropriation back in August was due to the usual need for additional budget corrections. After waiting a few months with no other requested changes, they now believe that this is the sole error.

With no questions from the council, Chair MacKay opened the item for public comment. With no comments from the public and no other council discussion, she called for a vote.

Vote: The motion was approved 7:0 with Councilors Bogdin, Christensen, Garrett, Handley, Hoban, MacKay, and Whipple in favor.

7. A resolution approving the appropriation of \$81,400 in the General Fund (23-087) [0:40:50](#)

Motion: An implied motion to approve Resolution 2024-3, as currently constituted, has been made by council rule.

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Ms. Zarbock presented. She shared this is specifically for the Parks and Recreation department for athletic field maintenance. She said the request originated almost a year ago as a supplemental request during the fiscal year 24 budget process but since there was some uncertainty of the project being on time, they decided to use those funds for something different. She said with the park nearing completion, the funds are needed to ensure the fields are ready for the grand opening. The funds are intended for laying sod in the spring, hiring seasonal employees for field maintenance, and covering water and storage costs.

Chair MacKay opened the item for public comment. With no public comments or council discussion, she called for a vote.

Vote: The motion was approved 7:0 with Councilors Bogdin, Christensen, Garrett, Handley, Hoban, MacKay, and Whipple in favor.

8. An ordinance amending Provo City Code regarding the sale of electricity at fast-charging stations for electric vehicles. (23-085) [0:43:10](#)

Motion: An implied motion to approve Ordinance 2024-2, as currently constituted, has been made by council rule.

Travis Ball, Director of Energy, presented. He shared his opinion that this is a win for the city, developers, and residents. He said this would allow developers to install fast chargers for the sale of electricity to electric vehicles and adopt the rate. Mr. Ball introduced the Energy Board Chair, Gary Winterton, and invited him to share his thoughts.

Mr. Winterton shared the Energy Board reviewed and discussed this ordinance at length and is in full support. He said the changes would incentivize developers to make a little money by allowing the charging stations.

Chair MacKay opened the item for public comment. With none, she invited a council discussion.

Councilor Handley expressed his gratitude for the changes proposed. He mentioned that these charging stations will benefit not only the residents of Provo but also travelers passing through the city who might choose to utilize our services.

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

Vote: The motion was approved 7:0 with Councilors Bogdin, Christensen, Garrett, Handley, Hoban, MacKay, and Whipple in favor.

9. An ordinance amending Provo City Code Chapter 14.30 (Accessory Dwelling Units) to update and clarify regulations (PLOT202301312) [0:46:35](#)

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

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Melia Dayley, Council Policy Analyst, presented. She provided some background information from the previous meetings and said this resolution would simplify the code, making it easier to understand and enforce. She discussed the changes, which included: adding a definition of Accessory Dwelling Unit, determining which zones would allow ADUs, and removing the word internal.

Councilor Hoban asked how the removal of the PRO zones would impact the percentages of the state's requirement.

Ms. Dayley said the city is still in compliance with the state requirements.

Councilor Bogdin asked for clarification on ADUs being allowed in areas west of the freeway.

Councilor Hoban said he understood that there were certain things that would preclude ADUs in certain areas, such as limited parking, small lots, small backyards. He asked if there was anything else that would preclude an ADU from being allowed.

Ms. Dayley explained that they would have to meet all requirements. She said in most cases, the parking requirements are what would prevent an ADU.

Aaron Ardmore, City Planning Supervisor, shared that while the current phase of Broadview Shores does include homes with adequate parking, the future phases will not. He said that the density of the homes in future planned phases would disqualify most homes from meeting requirements for parking and setbacks.

Ms. Dayley suggested that if the council has a strong opinion about excluding certain areas west of I-15, they can update the code to clearly specify where ADUs would not be allowed.

Councilor Whipple expressed that she does not see why this is a concern if homeowners want the permitted use and meet the requirements.

Councilor Hoban asked for feedback from Bill Peperone, Director of Development Services.

Mr. Peperone agreed with Ms. Dayley and said if the Broadview Shores area is discomforting to the council, then they should remove it from the permitted areas.

Councilor Hoban asked for feedback from Public Works.

Ms. Dayley shared that when Public Works was asked in October 2022 about permitting ADUs in all residential areas West of I-15, they did not have any concerns.

Councilor Handley stated that adding an ADU does not necessarily add stress to the infrastructure. He gave the example that a single-family home could house a family of six could easily be using more energy and water than a home with an ADU. He emphasized ADUs increase the housing stock significantly but do not increase the cost to the infrastructure of the city.

Mr. Peperone reminded the council that this ordinance went through the CRC process, which means all departments had the opportunity to weigh in on it and ultimately gave the recommendation to move forward.

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Councilor Whipple said if the main concern is parking, the current on-street parking policies and enforcement should be addressed instead of constraining private property owners' rights.

Councilor Bogdin asked if the R2PD zone would be excluded from the ordinance.

Ms. Dayley said there were not any changes made to the existing list of permitted zones since October 2022. She recommended that the council consider proposing motions to alter the permitted or explicitly excluded zones. She reminded the council that if motions were made, the ordinance would have to go back to the planning commission for review prior to adoption.

Councilor Hoban asked for Councilor Bogdin's opinion as the Westside representative.

Councilor Bogdin confidently stated that she has no reservations about excluding Accessory Dwelling Units (ADUs) from Broadview Shores, citing the opposition expressed by many residents in the area.

Motion: Councilor Garrett made a motion to continue to allow for more clarification and understanding. Seconded by Councilor Christensen.

Councilor Handley asked the staff if there were any time constraints or if there was any urgency to get this approved.

Ms. Dayley responded and said with it being a code clean up item, there is not any urgency.

Chair MacKay opened the item for public comment. With none, she brought the discussion back to council.

Councilor Hoban suggested that the council should set a date for the item to return and clearly outline which aspects the staff should address.

Councilor Whipple proposed passing the current resolution and coming back to review substantive changes.

Motion: Councilor Handley made a substitute motion to pass resolution as written and discuss any substantive changes in the work session on January 23. Seconded by Councilor Hoban.

Councilor Bogdin asked for clarification on what motions she could make to direct staff to look at specific zones.

Mr. Peperone said it is immensely helpful for the staff to receive questions prior to the meeting so they are prepared to answer them. He also highlighted that the significant benefit of passing this ordinance now is its usefulness for both staff and residents who will be utilizing it.

Chair MacKay called for a vote on the substitute motion.

Vote: The motion was approved 7:0 with Councilors Bogdin, Christensen, Garrett, Handley, Hoban, MacKay, and Whipple in favor.

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Chair MacKay called for other motions.

Motion: Councilor Whipple made a motion for staff to look specifically at existing PRO, RC, SDP5, and R2PD zones. Seconded by Councilor Hoban.

Chair MacKay called for a vote on the motion.

Vote: The motion was approved 7:0 with Councilors Bogdin, Christensen, Garrett, Handley, Hoban, MacKay, and Whipple in favor.

Motion: Councilor Garrett made a motion to take a closer look at the pathway for approving an ADU. Chair MacKay seconded.

Councilor Whipple said she appreciated the motion and stated she also desired to look at the pathway.

Chair MacKay called for a vote on the motion.

Vote: The motion was approved 7:0 with Councilors Bogdin, Christensen, Garrett, Handley, Hoban, MacKay, and Whipple in favor.

Motion: Councilor Handley made a motion to revisit the history and background of ADUs. Councilor Whipple seconded.

Chair MacKay called for a vote.

Vote: The motion was approved 7:0 with Councilors Bogdin, Christensen, Garrett, Handley, Hoban, MacKay, and Whipple in favor.

Motion: Councilor Whipple made a motion to revisit in a future meeting the parts of code related to ADUs, specifically the living space and second kitchen requirements, to allow for single unified policy and look at the occupancy requirements for ADUs. Seconded by Councilor Hoban.

Councilor Hoban reminded the council that the occupancy requirement was changed from two to three in October 2022.

Councilor Whipple clarified that her motion pertains to the occupancy requirements for the entire ADU. She illustrated with an example, mentioning that a single homeowner living with two other singles would not be able to rent their ADU to three additional singles. She emphasized the need to address and simplify aspects that cause confusion for both residents and staff.

Motion: Councilor Bogdin made a substitute motion to also include provisions regarding tandem parking at a future work meeting prior to July. Seconded by Councilor Christensen.

Chair MacKay called for a vote on the substitute motion.

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Vote: The motion was approved 7:0 with Councilors Bogdin, Christensen, Garrett, Handley, Hoban, MacKay, and Whipple in favor.

With no objections, the Provo Municipal Council adjourned and reconvened as the Governing Board of the Redevelopment Agency of Provo with Vice-Chair Travis Hoban conducting.

Redevelopment Agency of Provo

10. The election of the Redevelopment Agency Chair and Vice-chair. (24-001) [1:36:00](#)

Vice-Chair Hoban nominated Board Member Whipple to serve as Chair.

Vote: The motion was approved 7:0 with Board Members Bogdin, Christensen, Garrett, Handley, Hoban, MacKay, and Whipple in favor.

Board Member Handley nominated Board Member MacKay to serve as Vice-Chair.

Vote: The motion was approved 7:0 with Board Members Bogdin, Christensen, Garrett, Handley, Hoban, MacKay, and Whipple in favor.

11. A resolution acknowledging the appointment of the Chair and Vice-chair of the Redevelopment Agency of Provo City for calendar year 2024. (24-001) [1:38:05](#)

Vice-Chair Hoban called for a motion.

Motion: Board Member Garret made a motion to approve the resolution as written. Seconded by Board Member Handley.

Vice-Chair Hoban called for a vote on the motion.

Vote: The motion was approved 7:0 with Board Members Bogdin, Christensen, Garrett, Handley, Hoban, MacKay, and Whipple in favor.

Adjournment

The meeting was adjourned by unanimous consent at approximately 7:04 PM.