

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

### Regular Meeting Agenda

5:30 PM, Tuesday, March 05, 2024

Council Chambers

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

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

### Opening Ceremony

#### Roll Call

THE FOLLOWING MEMBERS OF THE COUNCIL AND ADMINISTRATION WERE PRESENT:

Councilor Becky Bogdin	Councilor Craig Christensen
Councilor Gary Garrett	Councilor George Handley
Councilor Travis Hoban	Councilor Katrice MacKay
Mayor Michelle Kaufusi	Chief Administrative Officer Scott Henderson
Council Executive Director Justin Harrison	City Attorney Brian Jones
City Recorder Heidi Allman	
Conducting: Chair Katrice MacKay	
Excused: Councilor Rachel Whipple	

**Prayer** – Councilor Bogdin

**Pledge of Allegiance** – Chair MacKay

**Public Comment** [0:07:09](#)

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

Bonnie Shiffler-Olsen, of Provo, expressed her gratitude for the opportunity to speak about the issue of homelessness in Provo. She emphasized that unhoused individuals are equal residents who deserve the same rights under the U.S. Constitution. Her primary concern is the city's anti-camping ordinance, which she believes is unconstitutional based on Supreme Court and other district rulings under the Eighth Amendment. She argued that sleeping is a basic human necessity, and in the absence of available shelters, people should be allowed to camp. She shared her journey from being a businesswoman to escaping domestic violence and finding herself homeless with four children. She highlighted the resources available in the community that can help individuals rise out of homelessness, using her own experience as an example. Ms. Olsen expressed her willingness to serve the city and acknowledged the challenges and sometimes unkind local attitudes toward the unhoused.

Anietie Umoren, of Provo, inquired about how the council handles voting on items when not all members are physically present. He specifically asked if the votes of members attending virtually still count.

June Welker, of Provo, urged the council to pass a resolution calling for a ceasefire in Palestine. She highlighted the severe humanitarian crisis, noting that over 30,000 Palestinian civilians have been killed

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and that Gaza's hospitals are no longer fully functional due to the destruction caused by Israel. She mentioned that children are dying from starvation and lack of medical care because aid is being blocked from entering Gaza. She pointed out that over 70 cities, including major ones like Chicago, Seattle, San Francisco, and Detroit, have passed similar ceasefire resolutions. According to polls, 60-70% of Americans support a permanent ceasefire in Gaza, with strong bipartisan support. She referenced a resolution by Representative Cori Bush that calls for de-escalation and humanitarian aid, suggesting that a similar resolution could be adapted for Provo. She emphasized that a ceasefire is the only humanitarian solution to end the ongoing violence and suffering.

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

### Action Agenda

**1. An ordinance vacating the public street known as Temple Hill Drive and approving a related vacation agreement. (24-023) [0:15:08](#)**

**Motion:** An implied motion to approve Ordinance 2024-12, as currently constituted, has been made by council rule.

Brian Jones, City Attorney, presented items 1 and 2 together. He reminded the council that this item was presented in a work session about a month ago. He discussed a proposal from The Church of Jesus Christ of Latter-day Saints concerning the remodeling of the Provo City Temple, soon to be known as the Rock Canyon Provo Temple. The church has requested the city vacate a public right of way on Temple Hill Drive, a street that runs between the temple and adjacent fields. If the city approves this action, ownership of the street will revert to the adjacent property owners, which is primarily the church. The church also wants to purchase a small piece of this vacated street from the city. Additionally, Jones explained that there is significant city infrastructure beneath this street, including various water mains and aqueducts, some of which are over 50 years old and in need of replacement. The church has agreed to pay for the materials and construction of new water lines, which will be placed in a consolidated utility easement. The proposal asks the City Council to approve the vacation of the street and the sale of the city-owned portion to the church at fair market value.

Chair MacKay asked for clarification on the easements that would be part of the agreement.

Mr. Jones explained two key actions for this ordinance. He said the first is a vacation that approves both the vacation of Temple Hill Drive and a related agreement between the city and The Church of Jesus Christ of Latter-day Saints. Under this agreement, the church will handle all necessary construction, and the city will connect the infrastructure after the work is done. Current easements will be relinquished, and new easements will be established, detailing what can be built over city facilities, such as grass and sidewalks, which are automatically allowed. More significant structures, like walls and water features, require written consent to ensure they do not interfere with maintenance. Additionally, the agreement specifies who is responsible for replacing any structures if maintenance work necessitates their removal, ensuring the city is not liable for replacing high-value items like exotic trees planted over the lines.

Chair MacKay asked about the building adjacent to the water tanks and if it would remain on Provo's property.

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Gary Calder, Public Works Division Director of Water, explained the warehouse is container where well water and spring water are collected before moving into the main water lines. He added that it would remain within Provo's parcel of land.

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

**Vote:** The motion was approved 6:0 with Councilors Bogdin, Christensen, Garrett, Handley, Hoban, and MacKay in favor. Councilor Whipple excused.

**2. A resolution placing a 0.366 acre parcel of ground in the vacated right-of-way of Temple Hill Drive on the surplus property list and approving the sale to The Church of Jesus Christ of Latter-day Saints. (24-030) [0:25:14](#)**

**Motion:** An implied motion to approve Resolution 2024-13, as currently constituted, has been made by council rule.

Mr. Jones reminded Chair MacKay that a public comment period was needed for these items.

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

**Vote:** The motion was approved 6:0 with Councilors Bogdin, Christensen, Garrett, Handley, Hoban, and MacKay in favor. Councilor Whipple excused.

**3. An Ordinance Text Amendment for the adoption of a Transferable Development Rights (TDR) Overlay Zone. Citywide Application. (PLOTA20230219) [0:26:32](#)**

**Motion:** An implied motion to approve Ordinance 2024-13, as currently constituted, has been made by council rule.

Aaron Ardmore, Planning Supervisor, presented. He discussed the city's interest in protecting sensitive areas on Provo's east bench, which are zoned for single-family homes but are risky for development due to landslides, steep slopes, fault lines, and rock fall hazards. To address this, the city has proposed a Transfer of Development Rights (TDR) ordinance. Staff researched examples from Mapleton and Park City to create effective code and consulted with developers to ensure marketability. He said the ordinance aims to allow property owners in these risky areas to sell their development rights to other developers in safer areas. Once a transaction occurs, a conservation easement is placed on the original property to prevent future development. Each sending site would undergo a staff-initiated rezone for the overlay, while receiving sites would follow the standard rezone application process with a concept plan and feasibility assessment.

Chair MacKay opened the item for public comment.

Mr. Chris Bramhall, a Farmington resident, expressed his support for the proposed Transfer of Development Rights (TDR) ordinance. He mentioned owning a lot in one of the affected zones, inherited from his wife's father, which they cannot sell or build on. He thanked the city for their efforts to find solutions to help these property owners.

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Chair MacKay closed public comment and brought the discussion back to council.

Councilor Bogdin shared her support for this ordinance if they were able to be split amongst all areas of the city. She said she would be concerned if all of these were to be on the west side.

Councilor Handley clarified that the Transfer of Development Rights (TDR) ordinance would not lead to any violations of existing plans for the west side of Provo. He explained that any development would still conform to the designated density levels shown on the map. Therefore, units transferred from other properties to the west side would not exceed the planned density, ensuring that the west side's appearance and structure remain consistent with current plans.

Chair MacKay asked if the item would be brought back to council to vote on.

Mr. Ardmore confirmed that the developers would still be held to general plan standards and said that these would come back to the council for approval. He added that the council would have control over where they would end up.

Chair MacKay called for a vote.

**Vote:** The motion was approved 5:1 with Councilors Christensen, Garrett, Handley, Hoban, and MacKay in favor. Bogdin opposed. Whipple excused.

**4. An ordinance amending Provo City Code regarding tenant identification wall signs.  
Downtown Neighborhood Application. (PLOTA20240014) [0:35:39](#)**

**Motion:** An implied motion to approve Ordinance 2024-14, as currently constituted, has been made by council rule.

Mary Barnes, City Planner, presented. She explained this was an application to increase the number of tenant identification wall signs allowed in downtown zones from two to three for buildings with five or more stories. Using the Wells Fargo Building as an example, she explained that it currently has a building identification sign and two tenant signs, requiring an ordinance amendment to add a third tenant sign. She also addressed questions about lower-level signs, identifying them as projecting signs. She clarified the classifications of the various signs on the building, indicating which are for building identification and which are for tenant identification.

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

Councilor Bogdin shared her concern for how many signs are allowed on one building and said she would be voting against this change.

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

**Vote:** The motion was approved 5:1 with Councilors Christensen, Garrett, Handley, Hoban, and MacKay in favor. Councilor Bogdin opposed. Councilor Whipple excused.

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**Adjournment**

The meeting was adjourned by unanimous consent at approximately 6:05 PM.