



PROVO MUNICIPAL COUNCIL

Regular Meeting Agenda

5:30 PM, Tuesday, August 05, 2025

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 Craig Christensen

Councilor Gary Garrett

Councilor George Handley

Councilor Travis Hoban

Councilor Katrice MacKay

Councilor Rachel Whipple

Mayor Michelle Kaufusi

Chief Administrative Officer Scott Henderson

City Attorney Brian Jones

Council Executive Director Justin Harrison

Conducting: Chair Gary Garrett

Prayer – Gary Calder

Pledge of Allegiance – Councilor MacKay

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

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

Wendy Alair, of Provo, expressed concern about the new multi-story buildings being constructed along State Street. She questioned who approved the rezoning that allows three- and four-story developments and asked the Council to consider the impact on current taxpayers and residents. While acknowledging that federal funds may be tied to these projects, she noted the resulting frustration among residents may not be worth it, especially in an election year. She also raised environmental concerns about the area being a deer migration corridor and asked what would happen to the wildlife. Ms. Alair described issues with declining water pressure since the developments began, suggesting that revenue from water charges should be used to reinforce the system. Additionally, she shared that local churches are becoming overcrowded due to population growth, further highlighting the strain on community resources.

Byron Miller, of Provo, stated that he has used water from the Scott Ditch to irrigate his two acres for the past 50 years. He explained that the City recently sent notice that the ditch water will be discontinued next year, which would leave his property with dry grass and weeds. Mr. Miller noted that about ten property owners use the ditch and share his concerns. He emphasized that the total water use is minimal, less than what would irrigate a single city park for a year and asked the Council to reconsider the decision or explore alternative solutions to allow the water to continue running.

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

Action Agenda

1 **A resolution imposing level 2 fire restrictions due to hazardous environmental conditions.** **(25-071) [0:17:23](#)**

Motion: An implied motion to approve Resolution 2025-37, as currently constituted, has been made by council rule.

Lynn Schofield, Fire Marshal, reported that on Thursday at about 3:00 p.m., the Utah State Forester implemented level two fire restrictions across the entire state, with the exception of the Wasatch Cache National Forest. He explained that level two restrictions prohibit open fires and briquette cooking in the wildland-urban interface, mountains, hills, and parks, allowing only devices that can be turned on and off with a valve or switch. He noted that spark arrestors are required on ATVs and motorcycles, and smoking is restricted to vehicles or cleared areas down to mineral earth. Mr. Schofield stressed that Utah is at a critical environmental stage, with over 30 days without measurable rain and no precipitation expected in the next two weeks. He referenced the Mill Creek fire as an example of how quickly conditions can worsen. He stated that although the Wasatch Cache National Forest has not yet implemented restrictions, Provo should act independently. He reminded the Council that they had already consented to level one restrictions in the Provo watershed and recommended that these be increased to level two restrictions throughout the watershed, including all Provo City parks, effective Saturday morning, August 2.

Chair Garrett asked whether there are only two levels of fire restrictions or if a level three exists.

Mr. Schofield clarified that level two is the highest restriction. He explained that under level two, all ignition sources are prohibited except those that can be turned on and off, such as camp stoves. He noted that backpackers could still use propane or white gas stoves in the foothills, since those are considered safer than open campfires, which can throw sparks and embers into the wind.

Councilor Hoban asked when the restrictions might be lifted and what criteria are used to determine when to rescind them.

Councilor Bogdin asked about the conditions for lifting fire restrictions, suggesting they would naturally be rescinded as colder weather arrives.

Mr. Schofield explained that restrictions are tied more to rainfall and vegetation fuel moisture than to temperature alone. He said it would take about a week to ten days of substantial storms to safely rescind them, and even in winter, level two restrictions could remain if fuel moisture stays low. He added that he must rescind restrictions in writing and would notify the Council through the Council Office. He also noted that if significant precipitation does not arrive, especially before events like New Year's fireworks, the city may need to reevaluate how those activities are handled. Finally, he confirmed that while the Council votes to implement restrictions, removing them is an administrative decision.

Chair Garrett opened public comment. With none, he closed public comment and invited a council discussion.

Councilor Christensen expressed appreciation for the proactive work being done to address the situation.

Chair Garrett called for a vote.

Vote: The motions passed 7:0 with Councilors Bogdin, Christensen, Garrett, Handley, Hoban, MacKay, and Whipple in favor.

2 A resolution to submit an opinion question to the residents of Provo City in the November 4, 2025 election regarding authorization to impose a local option sales tax as described in Utah Code Section 59-12-1402. (25-076) [0:33:15](#)

Motion: An implied motion to approve Resolution 2025-38, as currently constituted, has been made by council rule.

Doug Robins, Parks and Recreation Director, thanked the Council for the opportunity to return and explained that his team has been reporting on the RAP tax's impact over the past 10 years to both the City Council and the Parks and Recreation Advisory Board. He provided an update on the next steps for placing the ballot question in November, clarifying that the RAP tax is a state-authorized local sales tax of 1/10 of 1% (one penny per \$10 spent) collected from both residents and visitors. He emphasized that the upcoming vote is not to create or raise the tax but simply to renew or discontinue it, as state law requires reauthorization every 10 years. He also noted that Utah County has confirmed it will not pursue a similar county-wide RAP tax, leaving the city clear to proceed.

Justin Harrison, Council Executive Director, explained the procedural steps for placing the RAP tax renewal on the ballot, noting that Elections Officer Heidi Allman had asked him to review the process in her absence. He reminded the Council that a resolution was first passed on July 8 to notify Utah County of the city's intent, and the county later confirmed it would not pursue a countywide RAP tax. The Council is now considering a second resolution to formally adopt the ballot language, which must be submitted to the Lieutenant Governor's office by August 21. He outlined additional state code requirements, including preparing official arguments in favor of the ballot measure (since the Council is placing it on the ballot), while opponents have until September 20 to submit rebuttals. He also noted the public noticing requirements, such as posting information on state and city websites and distributing a voter information pamphlet to all registered voters 15–45 days before the election. Harrison reminded everyone that Election Day is November 4, with the vote canvass scheduled for November 18, and explained that, if passed, a follow-up ordinance and 90-day notice will be required to the state tax commission to implement the renewed RAP tax.

Chair Garrett asked if the city is required to publish both arguments for and against the ballot measure.

Mr. Harrison confirmed that the Council, as the legislative body, could prepare the arguments, but if no arguments are submitted, then none would be published.

Chair Garrett asked Doug Robins to clarify the RAP tax's 10-year lifespan, confirming it was first implemented in 2015, and requested an explanation of what it has provided on average per year for recreation, arts, and parks in Provo.

Mr. Robins explained that the RAP tax was originally projected to generate about \$1 million annually, but it now brings in around \$2 million per year. He said the funding has been crucial for maintaining and improving city amenities, such as pavilions, playgrounds, and courts, which previously lacked a dedicated funding source. He also noted that RAP funds serve as matching money for grants, sometimes at a 4-to-1 ratio, allowing the city to leverage outside funding and accomplish even more.

Councilor Hoban asked if the RAP tax primarily funds many smaller projects—like pavilions—that do not typically fit into the city’s regular operating budget or qualify for bonds, unlike large projects such as the Recreation Center.

Mr. Robins shared that RAP funds have served as seed money to secure outside grants, allowing major improvements to the Provo River Trail. Over the past five years, about four miles of the trail have been reconditioned, including repaving, realigning, and adding new transition ramps at intersections and under road crossings. He noted that current projects, such as finishing the tunnels at Columbia Lane, State Street, and along the river, are being funded mostly through outside grants, with RAP funds providing the local matches needed.

Councilor Christensen asked if the city’s ability to move forward with the RAP tax was dependent on the county’s decision not to pursue its own version, and how that process worked.

Mr. Robins clarified that state law requires this step to prevent overlapping efforts between government entities.

Chair Garrett opened public comment.

Byron Miller, of Provo, asked for more information as to what the tax is used for.

Chair Garrett closed public comment and invited Mr. Robins to respond.

Mr. Robins said RAP tax revenues are dedicated to recreation, arts, and parks improvements across the community. The funds are placed into the city’s capital improvement plan, which is reviewed and approved by the Council each year to guide projects. He noted the money supports park system upgrades, the Covey Arts Center, community arts grants, and arts programs at the library and other venues. He suggested reviewing past work sessions or Council meetings for more detail on specific projects completed over the last decade.

Councilor Bogdin asked Mr. Robins to confirm specific projects funded by the RAP tax, noting that West Park and Lakewood Park playground improvements were included, and then asked if Footprinters Park had also received RAP tax support.

Mr. Robins responded that RAP funds were not recently used at Footprinters Park, but Fort Utah had improvements to the youth ball fields, as well as for trail upgrades and enhancements to the new Fort Utah Greenway. He noted that the underpass crossings beneath the freeway bridges were also completed with RAP funding, supplemented by grants.

Councilor Bogdin emphasized that the RAP tax has funded many projects in both her area and others that otherwise would not have been possible. She highlighted that the tax is not paid solely by residents, as visitors shopping at places like Sam’s Club also contribute, helping support Provo’s parks and recreation amenities.

Chair Garrett called for a vote.

Vote: The motions passed 7:0 with Councilors Bogdin, Christensen, Garrett, Handley, Hoban, MacKay, and Whipple in favor.

3 An ordinance updating Provo City Code regarding an urban farming policy for culinary water rates. (25-080) [0:55:23](#)

Motion: An implied motion to approve Ordinance 2025-44, as currently constituted, has been made by council rule.

Barry Prettyman, Water Recourses Engineer, reviewed the policy details and requirements. To qualify, gardens must actively produce marketable plants such as fruits, vegetables, or herbs, and cover either at least 25% of the property or 5,000 square feet. They must be maintained for a minimum of four continuous months during the irrigation season. Applicants must also reach tier three water use, comply with Provo City backflow standards, and use high-efficiency irrigation methods. The credit applies only to residential accounts, not commercial or agricultural zones, and it cannot be transferred between properties or owners. The program would be administered by the Water Resources Director, Gary Calder. Residents would apply through a form, followed by an inspection to verify compliance both at the time of application and through water use records. Those who qualify would receive a \$120 credit in December of that same year, which equates to roughly 59,000–62,000 gallons of tier three water use, depending on meter size.

Councilor MacKay sought clarification that the policy would also apply to community gardens and not just gardens producing items for sale.

Mr. Prettyman confirmed that the policy does include community gardens. He explained that the intent was not to require sales or profit but simply to ensure the gardens qualify by growing vegetables, crops, or similar plants.

Councilor Whipple asked how long the irrigation season lasts and which months it covers.

Mr. Prettyman said it typically runs from April through September, about six months, and applicants must meet tier three usage in at least one of those months while maintaining their garden for four. He noted that because the new rates take effect in September, no one could qualify this year, but September's data could help residents gauge eligibility for next year.

Councilor Hoban asked whether the policy would avoid overly strict criteria and instead allow Water Resources some flexibility to make decisions on a case-by-case basis.

Brian Jones, City Attorney, confirmed that the Council is not voting on the detailed policy itself but rather on a code amendment. The amendment would add a sentence to the consolidated fee schedule delegating authority to the Water Resources Director to create and administer the policy. The presentation was meant to give the Council context on the intended approach.

Chair Garrett opened public comment.

Byron Miller, of Provo, asked if the proposal is to sell culinary water at a reduced price for use in gardens.

Angela Mauric, a Provo resident, thanked those who researched and initiated the policy and expressed encouragement about the discussion. She supported the small credit but urged the Council to continue broader conversations about urban farming in Provo, suggesting the city could become a leader in this

area nationally. She also emphasized the importance of supporting heritage and generational farms in Provo, so they feel empowered and remain viable.

Mike Nelson, a Provo resident, shared his frustration that the city took away his irrigation water years ago, leaving him unable to maintain his acre and a half of property beyond trying to keep trees and blackberries alive. He said he now has mostly weeds and dry ground, as water costs and property taxes in Provo are becoming unaffordable, pushing him to consider moving out of state. He criticized the lack of a pressurized irrigation system compared to other cities and expressed concern that water tiers keep climbing while residents like him remain stuck in high-cost usage. He concluded by asking how and when to apply for the new credit.

Ginny Smith, of Provo, expressed support for the garden water credit policy, noting it aligns with discussions already happening among those interested in urban agriculture. She encouraged continued collaboration, suggesting the Agriculture Commission be involved to connect interested residents and help move the effort forward. She highlighted the many benefits of community and personal gardens, stated there is no downside to the proposal, and urged the Council to extend the conversation.

Philip Miller, a Provo resident, asked whether the policy applies to crops like pasture and hay or just to garden plants such as tomatoes. He raised concerns about irrigation being shut off in Southwest Provo, noting that pioneer-dug ditches and water once managed by the city are no longer being delivered. He said he thought this program might serve as a replacement system but realized it does not address that issue. Miller questioned whether another program would cover larger agricultural needs, emphasizing that a \$120 credit is inadequate for watering an acre of land but could be helpful for small backyard gardens.

Scott Smith said the policy is a positive step and illustrated the water needs of fruit trees, noting that a large cherry tree can require about 50 gallons a day in peak summer, adding up to around 69,000 gallons. He explained that with efficient irrigation methods like micro emitters or drip tape, that amount could support many trees or even a large high tunnel for a season. Smith suggested Provo consider following other cities, such as Alpine, that have strong secondary water systems and proposed working with developers through planning processes to preserve access to existing agricultural water sources. He concluded by reiterating his support for the effort.

With no other public comments, Chair Garrett closed public comment and invited Mr. Prettyman to address some of the questions asked. He asked when residents could apply for the garden water credit.

Mr. Prettyman said the application form should be ready by December, but residents will apply next year, with credits issued at the end of that year. He clarified the program is intended for urban gardening, not larger agricultural uses like hay or farms. Addressing a related question, he explained the policy stems from Utah State Code, which requires cities to account for urban farming when setting water rates.

Councilor Hoban asked for clarification regarding comments made by residents about Provo City taking away water or irrigation rights.

Gordon Haight, Public Works Director, explained that about ten parcels on the west side have been receiving irrigation water from the city for years, even though the canal company and its water rights no longer exist. The city routed that water through the storm drain system, which has caused backups and flooding in homes, leading to damage costs. Building a proper delivery system would cost millions, so

the city decided not to pursue it. As a result, letters were sent to those ten property owners informing them that irrigation service would end next season. He clarified that this is likely the issue residents were referring to.

Councilor Bogdin asked whether there are other similar situations in the city and how Provo originally acquired the water rights for those parcels.

Mr. Haight clarified that while a few other properties in the city receive secondary water, those supplies still come from irrigation companies, not the city. Some of those companies are struggling and may eventually stop delivering, but the city is not involved in those cases. He noted that Provo did not purchase water rights for the parcels in question; rather, when the ditch company folded decades ago and water rights disappeared, the city stepped in informally to keep delivering water. Over time, the cost of continuing that service for just ten residents has become unreasonable, leading to the decision to stop.

Chair Garrett called for a vote.

Vote: The motions passed 7:0 with Councilors Bogdin, Christensen, Garrett, Handley, Hoban, MacKay, and Whipple in favor.

Chair Garrett thanked the residents for their engagement, noting the importance of the issues raised. He said the Council looks forward to continued input and will keep working on the matter.

4 An ordinance amending the zone map classification of real property, generally located at 71 West 880 North, from the residential conservation (RC) zone to the campus residential (CR) zone. North Park neighborhood. (PLRZ20250033) [1:12:58](#)

Motion: An implied motion to approve Ordinance 2025-45, as currently constituted, has been made by council rule.

Dustin Wright, City Planner, outlined the property owner's desire is a rezone to allow redevelopment. The site is currently zoned residential conservation but is surrounded by campus residential zoning and apartment buildings. The applicant has submitted a concept plan, which received Planning Commission approval and a positive recommendation. The property currently has a single-family home but is considered underdeveloped, and the rezone would allow infill development consistent with the surrounding area. Wright added that the request was reviewed at a district meeting where no concerns were raised.

Councilor Hoban asked about the original purpose of the residential conservation zone, wondering if it was meant to preserve single-family homes, prevent redevelopment into businesses, or serve some other intent.

Mr. Wright said the residential conservation zone was created in 2002 to address development pressures near campus. Its purpose was essentially to "freeze" existing legal uses on properties, whether single family homes, duplexes, or apartments, and prevent broader changes. Over time, individual property owners could then apply for rezonings, as in this case, allowing the city to review each request separately rather than permitting widespread changes all at once.

Councilor Hoban asked if there are any concerns about parking with the proposed development, including how many cars might be expected and where they would likely be accommodated or dispersed.

Mr. Wright said the proposal includes five units, which require 10 parking stalls under city code. The concept plan shows that the site can accommodate those stalls, meeting parking requirements. He added that the units would be for family occupancy, defined as either a family or up to three single individuals, but not a large group of unrelated tenants, so it would be treated like single-family housing.

Councilor MacKay asked who has been using the extra parking spaces on the property that will no longer be available.

Mr. Wright said his understanding is that the owner has rented out some of those spaces, though he was not sure whom or which building they were associated with, noting the applicant may have more details.

Terry Cirac, the property owner, thanked the Council and Mayor and shared his excitement about redeveloping the site. He explained that the property is surrounded by apartments and was originally proposed for eight units but was reduced to five, with more parking stalls than the city requires. The location, near BYU and the new medical center, makes it ideal for students and families. He noted that when he acquired the property a few years ago, it was in poor condition, so he invested in cleanup and added parking in the back. Some stalls have been rented to nearby complexes, as well as used informally by visitors. Currently, there are about 15–16 stalls, with only around six in use, and the parking has helped keep the property maintained. He acknowledged that with the new project, neighboring complexes that rented stalls will need to find other parking solutions, though many students already walk or bike due to the proximity to campus.

Councilor MacKay expressed appreciation that the project density had been increased but used the discussion as a reminder of the broader parking challenges in the area. She noted that while the displacement of those renting the property's current stalls is not the applicant's responsibility, it highlights how many nearby units do not provide enough parking. She added that even though students could walk daily due to the close location, many still own cars, which contributes to the issue.

Mr. Cirac pointed out that the property is closer to campus than many student parking lots, making it unnecessary for residents to drive and park farther away, such as at the Marriott Center, when they can easily walk from this location.

Chair Garrett opened public comment.

Jocelyn Bracken, representing the North Park neighborhood, said the neighborhood district executive board discussed the proposal at a March 5, 2025 meeting and no concerns were raised. The board agreed it would be an appropriate development for the area. Speaking personally, she thanked the property owner for maintaining and cleaning the site thoughtfully, helping keep the neighborhood attractive and welcoming.

With no other comments, Chair Garrett closed public comment and invited a council discussion.

Councilor Hoban gave context about past parking decisions, recalling that around 2020 the Council approved a parking reduction for Amanda Knight Hall. He noted that despite arguments about proximity

to transit, many students still bring cars for dating, shopping, or traveling from out of state, which creates ongoing parking demand. He said this illustrates how parking reductions often shift the problem elsewhere. Hoban clarified he was not criticizing the current development, which meets city guidelines with 10 stalls for five units, but emphasized that past decisions have contributed to the area being over-parked and those cars ultimately still need places to go.

Councilor Bogdin shared that a BYU professor friend has observed students driving to campus even when they live just two blocks away. She added, however, that this property has some street parking available in front, so if there were more cars than the 10 spots provided, a couple could still park on the street.

Councilor Handley said he supports the idea of charging for parking as a way to encourage students without cars to rent units and to ensure that those with cars bear the cost of parking rather than having it folded into overall rental prices. He noted that while some students drive even short distances, many at BYU do not own cars, and a paid parking system would be fairer. He added that although students may dislike paying for parking, most college towns across the country already follow that approach.

Chair Garrett called for a vote.

Vote: The motions passed 7:0 with Councilors Bogdin, Christensen, Garrett, Handley, Hoban, MacKay, and Whipple in favor.

5 An ordinance amending the zone map classification of real property, generally located at 1400 South State Street, from the one-family residential (R1) zone to the light manufacturing (M1) zone. Spring Creek neighborhood. (PLRZ20250222)

Motion: An implied motion to approve Ordinance 2025-46, as currently constituted, has been made by council rule.

Aaron Ardmore, Planning Supervisor, reviewed the history of the ProSteel property, noting it has been in place since the 1940s and was zoned industrial until 2017, when the corridor was changed to R1 to give the Council more oversight of multifamily rezones. ProSteel, however, has remained and now seeks to return to the M1 zone to support business growth. This request is driven by plans to expand office space, adding a larger showroom on the first floor and more offices on the second floor, which is not possible under the current nonconforming use. Rezoning would also allow improvements to the State Street frontage. Ardmore said staff and the Planning Commission reviewed the request, found it consistent with standards, and recommended approval.

Councilor Bogdin asked how the rezone would affect the property's taxes, noting that an M1 zone might carry higher property taxes than an R1 zone.

Councilor Whipple commented that the zone change itself likely would not impact property taxes, but constructing a new building could raise the property's value, which might in turn increase the taxes.

Spencer Markham, applicant, said he had nothing further to add beyond the proposal, noting the goal is simply to create more office space for ProSteel and support their business. He then invited any questions from the Council.

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.

Councilor MacKay expressed appreciation that ProSteel has been part of Provo for so long and is choosing to expand locally. She noted it was positive that the expansion focuses on office and administrative space rather than increasing manufacturing, which benefits nearby residents, and she thanked them for their investment in the community.

Chair Garrett opened public comment. With none, and no other council discussion, he called for a vote.

Vote: The motions passed 7:0 with Councilors Bogdin, Christensen, Garrett, Handley, Hoban, MacKay, and Whipple in favor.

Adjournment

The meeting was adjourned by unanimous consent at approximately 6:07 PM.

These minutes were approved by unanimous consent on the 7th day of October, 2025.

X

Heidi Allman
City Recorder