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| Image_0 | **PROVO MUNICIPAL COUNCIL**  **Redevelopment Agency of Provo**  **Regular Meeting Minutes**  5:30 PM, Tuesday, August 07, 2018  Room 200, Municipal Council Chambers  351 West Center, Provo, Utah |

**Opening Ceremony**

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|  | **Roll Call** |

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| THE FOLLOWING MEMBERS OF THE COUNCIL AND ADMINISTRATION WERE PRESENT: | |
| Council Member David Harding Council Member David Knecht  Council Member David Sewell Council Member Gary Winterton  Council Member George Handley Council Member George Stewart  Council Member Vernon K. Van Buren Mayor Michelle Kaufusi  CAO Wayne Parker Council Attorney Brian Jones  Council Executive Director Clifford Strachan | |
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| Conducting: | Council Chair Gary Winterton |

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|  | **Prayer** – Heather Barney |

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|  | **Pledge of Allegiance** – Doug Durfey |

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|  | **Approval of Minutes** |

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| The following council meeting minutes were approved by unanimous consent. | | |
|  | **May 1, 2018 Council Meeting** |
|  | **May 15, 2018 Council Meeting** |
|  | **June 5, 2018 Council Meeting** |
|  | **June 19, 2018 Council Meeting** |

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| **Presentations, Proclamations, and Awards** |

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| **1** | **A presentation and recognition of several Provo Recreation Center lifeguards** ([0:11:11](https://www.youtube.com/watch?v=sHFF2dFOIts&t=671s)) |

James Miguel, Provo City Fire Chief, presented. Chief Miguel said that on July 5, 2018, at 7:30 p.m. a three-year old had a near drowning experience at the recreation center. Lifeguards noticed a problem and retrieved the child, unconscious and not breathing. After calling 911, they were able to resuscitate the child by initiating CPR. When fire personnel arrived, the child was breathing, responding, and ready for transport to the hospital. Chief Miguel said there were not many people that were required to do their job perfectly, but in this case, the lifeguards were perfect.

Chief Miguel introduced the lifeguards that performed the service that night.

* Niquel Barney –primary rescuer. Had been a Provo City employee for 2.5 months and was selected to work as a junior lifeguard captain. Graduated from Maple Mountain High School and would attend Snow College to study digital media. Hobbies included playing music, hiking, drawing, painting, working, and saving lives.
* Caleb Herrman – secondary rescuer. He had been a lifeguard with Provo City for three months in addition to volunteering as a Boy Scout instructor. He had previously worked as a lifeguard in Michigan. He would start at UVU in the fall to study Psychology. He enjoyed hiking, camping, anything outdoors, and lifesaving.
* Jill Parker – supervisor at recreation center. Moved to Provo from Fayette, North Carolina and had been employed with Provo City for two years as a lifeguard, swim instructor, and had just been promoted to supervisor (it was her second day as supervisor). Ms. Parker was a student at UVU studying communications. After graduating in the fall of 2018, she planned on serving an internship in Germany for six months. She enjoyed running, fitness, traveling, being outside, and lifesaving.

Scott Henderson, Parks and Recreation Director, met with the family that night at the hospital. The father expressed appreciation for the three staff members for saving his daughters life. Many incidents were handled onsite by their trained staff but with more than two million visitors, there was also a need for emergency services. The Fire Department was always prompt and responsive and they were truly an elite department. He praised Chief Miguel for his integrity and leadership. Mr. Henderson said there was a “one team” concept between Provo City departments, something that made Provo unique and different from many other communities.

In recognition of their quick actions, which saved the life of a child, Ms. Barney, Mr. Herrman, and Ms. Parker were each given a Golden Guard Award from Parks and Recreation and the Chief’s Recognition for Outstanding Service challenge coin from Fire Chief Miquel.

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| **2** | **Neighborhood Spotlight: Provo Pig** ([0:24:56](https://www.youtube.com/watch?v=sHFF2dFOIts&t=1496s)) |

Karen Tapahe, Council Community Relations Coordinator, presented. In order to promote the Utah County Fair, each city in the county was given a wooden cutout animal to decorate. Provo City was given a pig, which was named BrigHAM. BrigHAM was decorated and painted by staff at the Neighborhood Art Center. She invited Tallia Feltis, founder and executive director of the center, to comment.

Ms. Feltis said they were a non-profit art studio for children and families, located in the Provo Towne Centre Mall. During their open studio time, they asked people to paint their favorite thing about Provo on BrigHAM.

Ms. Tapahe gave a video presentation showing BrigHAM at several city events and buildings. BrigHAM will now go to the Utah County Fair for display.

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| **Public Comment** ([0:32:07](https://www.youtube.com/watch?v=sHFF2dFOIts&t=1927s)) |

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| Fifteen minutes have been set aside for any person to express ideas, concerns, comments, or issues that are not on the agenda: |

Diane Christensen, Provo, had compiled a list of code violations and procedural irregularities concerning the gravel operation at the mouth of the canyon and shared that list with the council. A recent GRAMA request yielded results that raised many questions for her. Gary Maxwell, the developer, applied for a grading permit and claimed that Mayor Curtis and Provo City Planning supported the request. Planning said that was an exaggeration but she understood that Mayor Curtis gave his permission. The question of who gave permission should be answered, but she was only one person with limited ability to investigate. The gravel pit, which was unstable and scarred, ruined the hillside at the northeast gateway to our city. We need to fix procedures and tighten the process. She asked the council and administration to order an independent investigation surrounding the gravel mine and answer the questions that had been raised.

Lisa Clark, Provo, said nothing was done about the gravel pit until Kim Santiago and Diane Christensen brought it to the city’s attention. A city employee told her that, because it was degraded, it was deemed a suitable spot for some development. A permit was given for some grading without sufficient agreement in writing. The permit holders began mining and doing more than was agreed to. Who was the final authority for giving the permit? Why was a professional office building was being built on the location? Was it unprecedented for a developer to go around community development for something this impactful? Did a gravel mine conform to the standards of the design corridor? Did the development fit into the General Plan? What were the circumstances that led to the issuance of the permit? She hoped the city would order an independent investigation to find answers to these questions.

Marian Monnahan, Edgemont Neighborhood Chair, was shocked to see the effacement at that location. She hoped the council would follow through and get an investigation started. If it happened there, it could happen somewhere else.

Bonnie Morrow, North Timpview Neighborhood Chair, said she drove by this location to access 800 North in Orem. The gravel pit was a safety issue. During the winter the wash would flood because of the rain and snow and she would hydroplane in her little Prius. She asked the council to research the safety of the pit, including the drainage on University Avenue caused by water coming down the wash.

Responding to the previous comments, Mayor Kaufusi thanked Ms. Christensen for making the city aware of the situation several weeks ago. The area in question was just north of where Canyon Road joined University Avenue near the mouth of Provo Canyon. After doing an informal investigation, she found the following:

* The initial grading in the pit area was in the 1960’s with some of the gravel used for the construction of North University Avenue.
* The pit, which was long and had a steep grade into the mountainside, sat as an abandoned gravel pit for years.
* The property was in the Riverbottoms Neighborhood.
* The property owner had gained neighborhood support to begin work at the site, possibly building an office building.
* In that context, Provo City approved a grading permit allowing removal of additional gravel.
* There were problems on the site and, after a citizen complaint, the grading was shut down and an administrative hearing was held.
* The city acknowledged there were some unfortunate omissions in the permit and monitoring the site after issuance. She took full responsibility for those problems.
* The focus of public works was to ensure the project did not sit in limbo for decades longer but allow responsible completion within appropriate guidelines.
* She allowed operations to resume with new requirements and a hard deadline for completion. Details of those requirements were made available to any interested party.

Mayor Kaufusi said the grading activity had ended as of August 1, 2018. By September 1, 2018 the contractor would apply a simple ground cover and revegetation on the property to create a more natural appearance (which may take some time to grow). In time, the owners would move ahead with plans to develop an attractive development for that entrance point to the city. She invited Ms. Christensen and others to meet with her to discuss the issue.

Howard Stone, Provo, was a neighborhood chair 17 years ago in the Franklin South Neighborhood. At that time, they started a neighborhood event to help residents that were struggling. Non-profit agencies would be present to address problems such as suicide prevention, domestic abuse, purchasing a home, etc. The event had grown too large for the neighborhood so it was moved to the Utah County property and was now called the Latin American Festival. He invited the mayor and council to attend the event, which would be held August 31, and September 1-3. The city recently started charging $4,000 for a road closure permit to hold the event. Since the event had a limited budget, he asked that the permitting fees be waived. He also asked that the city put electrical extensions across the county property to help with these and many other events held on the county grounds.

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| **Action Agenda** |

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| **3** | **Resolution 2018-31 providing for the holding of a local special bond election in Provo City, Utah, for the purpose of submitting to the qualified electors of the City the question of the issuance and sale of General Obligation Bonds in an amount to be determined; providing for the holding of a public hearing and the publication of a Notice of Public Hearing; and providing for related matters. (18-073)** ([0:49:01](https://www.youtube.com/watch?v=sHFF2dFOIts&t=2941s)) |

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| **Motion:** | An implied motion to approve Resolution 2018-31, as currently constituted, has been made by council rule. |

Wayne Parker, Provo City Chief Administrative Officer, presented. For the six years, the city had been looking at issues regarding the city facilities in downtown Provo. In 1968, the voters approved a bond issue to build this facility. At the time, the population was 40,000 with 42 police officers. The current population was 120,000 with 107 officers on staff. The current facilities were difficult to manage with substantial investment needed to maintain functionality. We were out of space for the police department so we had to lease additional space downtown to meet their needs. The city was confronting a $5 million investment to make needed improvements to a 50-year old building. Was it wise to continue to put money into the building recognizing that other systems were failing, including HVAC, roof structures, and foundation cracks creating seismic issues? The building, which housed emergency responders as well as other city personnel, would flatten in a moderate seismic event. Our dispatch center, located in the basement of the Covey Center, was in a flood prone area.

The purpose of the bond would be to build new public safety and city facilities. The bond would also include funds for rebuilding fire station 2 on north Canyon Road. The station was built around a home constructed in the 1950’s.

It was time to make some hard decisions concerning the city building, especially as it related to seismic upgrades, so the city began looking at alternatives. At one time, there were seven or eight options on the table but they were narrowed down to three key options. All three options included replacing the current facilities and fire station 2.

1. Relocate city center functions (including police, fire, and dispatch) to the vacant Sears building in the Provo Towne Centre. Brixton Capital, owners of the mall, indicated they were restructuring the mall because they could not support big box retail. They wanted to convert the Sears building to an office complex. Brixton presented a proposal to have city and public safety offices relocate to the Sears building. We would sell the land once the current city block was vacated.
2. Construct new police, fire, and dispatch facilities on this block and then seismically upgrade the existing city hall building. This would meet the needs of police and fire well into the future as well as provide space, as needed, for city offices to grow into.
3. Build a new city center and new facility for police fire and dispatch, in downtown Provo. We could build the new facilities on the current property or somewhere else in the downtown area and free up the current block for potential redevelopment.

The three options had been through a very robust public outreach effort. More than 1,000 citizens responded via social media outreach, voter surveys, the Open City Hall forum, open houses, and tours of the facilities. At the request of the council and several citizens, the city reviewed and studied the options to ensure we were providing a good long-term solution, not just a 20-25 year solution. Mr. Parker shared the final estimates for all three options. Each option included a new fire station on Canyon Road.

* Option 1 – Sears building - $44.5 million
* Option 2 – Build new public safety facilities downtown and renovate city hall - $50.5 million
* Option 3 – Build new city facilities in downtown area - $69.8 million

During the council work meeting, earlier in the day, there was a motion to eliminate the second option because it was not a long-term solution. The decision before the council was to decide if the bond should be placed on the ballot and, if so, which of the two remaining options would be considered.

Mr. Handley asked Mr. Parker to share the cost estimates over the 50-year lifespan. Mr. Parker said the total cost of ownership included operating and maintenance costs, the need for future additional space, relative value of the bond, utility costs, and replacement of systems. The 50-year total cost of ownership for each option was:

* Option 1 - $116.6 million
* Option 2 - $131.9 million
* Option 3 - $127.2 million

Essentially, if we put this money in the bank today, we would have enough to pay for construction of the new facilities and 50 years of operating and maintenance costs. The total cost of ownership was one of the reasons the council decided to drop option 2 because it was the most expensive.

In response to Mr. Stewart, Mr. Parker shared the estimated parking stalls available for each option.

* Option 1 – Included acquisition of the Sears building and 10 acres of land, with more than 700 parking stalls.
* Option 2 – Included 315 parking stalls, roughly the same parking as we had now.
* Option 3 - Included 75 secured parking stalls under the buildings and 240 surface parking spaces.

Mr. Knecht asked Mr. Parker how we would expand in the future if we needed more space in 20 years.

* Option 1 – Two possibilities for future expansion.
  + Add on to the existing Sears building using some of the 10 acres of parking, or
  + Lease additional space in the mall to meet short-term growth needs.
* Option 2 – In 20 years the current building would be 70 years old. This option did not create an alternative for future space needs.
* Option 3 – Build unfinished shell space of about 17,000 square feet in a new city hall building. That space could be finished as needed to meet future growth.

Responding to Mr. Strachan, Mr. Parker explained that Provo offered Brixton a $350,000 real estate option in order to hold the property until after a bond election. Brixton sent a letter indicating we would not need to purchase an option if the council chose the Sears building for the new city facilities. They would give the city until January 1, 2019 to make an offer.

Mr. Parker explained the bond process for the public. The city had to present a bond resolution to the Utah Lieutenant Governor’s Office no later than August 22, 2018 to have the bond item placed on the November 6, 2018 ballot. If the resolution was approved the city would solicit pro and con opinion pieces for a voter information pamphlet that would be sent to every voter in the city. The pamphlet would also include factual information concerning the bond request. Election ballots would be mailed to all registered voters on October 16. The completed ballots must be mailed in and post-marked no later than November 5, 2018.

Mr. Harding commented that the city was not restricted to building a new facility on the current site. We were committed to building somewhere downtown so if a better opportunity presented itself, we would look at it. Mr. Parker agreed saying there were some concerns about our current site. The city building did not interact well with Center Street because of the design of the road. We would need to keep the city offices and public safety functional during construction of a new building. This would argue for the idea of putting the two new buildings on the far west end of the block if we could acquire the Firestone property. Construction costs might increase if acquisition of the property was delayed. We could identify additional property downtown that might be easier to build on and purchase the land or make a land trade. This might shorten construction time.

Mr. Harding asked Mr. Parker to explain why the cost of Option 3 was $9 million more than when first presented three weeks ago. Mr. Parker replied that the numbers initially presented were about one year old. The construction numbers were updated based on current labor rates and material costs. The square footage was increased from 135,000 square feet to 165,000 square feet to give more room to the police department and allow for future development space. It would prevent the city from coming back in 20-30 years for more money to build additional space.

Chair Winterton invited Scott Bowles, General Manager at Provo Towne Centre, to comment on the Sears option. Mr. Bowles said Brixton Capital and KTGY Architects reached out to Mayor Kaufusi and Chief Ferguson to address their concerns about relocating to the Sears building. They indicated the site would provide a level 4 security facility. The mayor and chief asked to see examples of similar facilities. Brixton Capital extended an invitation to visit an active police station in a retail center in Oceanside, California. Brixton Capital stood by their claim that, if this option was chosen, all the concerns and needs of public safety could and would be met to the highest standards.

Chair Winterton invited public comment. [(1:27:00)](https://youtu.be/sHFF2dFOIts?t=5220)

Charlie Thomas, Provo, asked if there was a “no” vote option. Mr. Parker replied that, if the council chose one of the bond options to place on the ballot, the residents could vote for or against the bond. Mr. Thomas said people needed to be aware of the following numbers. We currently owe $30 million for the recreation center, $20 million for iProvo, $5 million for the airport, $2 million for the cemetery, $4 million for storm water, $10 million for a water project, $8 million for a sewer project, and $17 million for the energy facilities building. Future expenditures included a proposed culinary water pipeline costing $100 million and $200 million to relocate the wastewater and sewer facilities. The city wanted to add another $45 million to the city building. In addition to these, the school board just bonded for $108 million and wanted another $200 million. That was a total of $749 million for all of these projects. Interest over a 20 year period, at 3.5 percent, would be almost $400,000 per million. At the end of the day, only 45 percent of Provo residents and businesses paying property taxes would be in this for $1 billion dollars.

Dave Beuchert, Provo, noted that a new building would be built to current seismic standards. What seismic issues would they face if they built at the Sears building and what would happen if the mall failed and the other buildings were non-functioning? Mr. Parker said the Sears option included increasing the stability to a level 4, which meant the building would stand and continue to operate in a moderate earthquake. The concern was largely to ensure police and fire were in a level 4 building. The city had a high level of confidence in Brixton Capital and felt the property was too valuable to sit vacant for very long. If the mall were to fail, Brixton, or another developer, could build some type of mixed-use development at that location. Provo City would retain zoning control so we had some influence over what would replace the mall.

Sharon Memmott, Provo, had listened to several discussions concerning the debt numbers. She was comfortable with bonding under certain circumstances. Initially, the 50-year life of the bond for option 1 came in at $137 million and now they are saying $116 million. Why did this number go down? Also, why wasn’t the bond of $44.5 million reduced for option 1 when the size of the building was reduced? Was it the main police station or just a precinct at the Oceanside mall?

Mr. Parker stated that the total cost of ownership number for Option 1 was reduced from $137 million to $116 million because an error had been found in the spreadsheet. The error was resolved and the new number was accurately reflected in the spreadsheet.

Mr. Strachan responded to the Oceanside Police Department question. Oceanside had a population of 175,000 with 228 sworn officers and 84 civilian staff. Provo’s population was 118,000 with 107 sworn officers and 60 civilian staff. Oceanside had multiple precincts throughout the city but police headquarters were located in the mall.

In response to Mr. Thomas’ concerns, Mr. Parker replied that Provo City debt was not equal nor paid by all the same people. The city had one outstanding General Obligation bond (for the recreation center) that was paid through property taxes. There was 15 years left on this bond. We had a number of other outstanding bonds, but most had a dedicated funding source associated with them. For example, the energy bond (for the new energy building) was paid from utility revenues and all utility customers pay those. The iProvo bond had a sales tax backing but all utility customers pay this through a utility fee. We have many more utility customers than those paying property taxes.

In reference to the $200 million upgrade to the wastewater treatment plant (by Mr. Thomas), that expenditure could be implemented over 20 years. A pay-as-you-go option was also on the table for the council to consider, which would incur no additional debt. The plant could be built in segments over a longer period. Utility customers, not property tax payers, would pay for this.

Sam Oman, Maeser Neighborhood Vice-Chair, said residents were paying a lot for the Utah Transit Authority (UTA) so they should only need half as many parking stalls. He suggested giving the employees a bus pass. He said every mall in the state was being torn down because they were obsolete and did not meet today’s energy and building standards. There was not a house in his neighborhood that was not twice as old as the city building. Mr. Parker replied that the city had no direct financial commitment for the UVX (Utah Valley Express) project, it was paid for by federal dollars and sales tax. Provo City provided UTA passes to their employees. The passes would be more valuable when the UVX stop was within three blocks of city hall. We have more employees that work in the city center than the 299 available parking stalls.

Mr. Stewart pointed out there was a UVX station right in front of the mall which would be closer proximity for employees than the city center.

Chris Wiltsie, Maeser Neighborhood, said the mall option would make sense if we did not already have a dense urban core. Orem was an example of a city where investing in a mall made sense because they did not have a functioning town center. By investing in the mall we were undermining the city’s efforts to revitalize the town center. If the mall failed, the city center would be oddly located. He did not appreciate Brixton saying they had other buyers lined up. This negotiation would not be necessary if they had other buyers. He would not support a bond if the mall option was chosen.

Wes Marriott, Provo, said there were so many intangibles beyond the numbers. He felt Option 3 was the best choice. The current city council needed to make the best decision for the future. The city center area was what people lived for and, in 20-50 years, we want people to see what we had created in this area. We would lose 20 years by going to the Sears building. If we took the $44 million over 30 years, it would be about $1.5 million per year. With a new building, it would be $69 million over 50 years for $1.38 million per year. The value was better and you had a better product. Option 3 was the better option.

Mr. Parker responded by saying they made an attempt to look at the total cost of ownership for each option over a 50 year period. The mall option was $116 million and building a new city center was $127 million. Total cost of ownership was not the only consideration; there were other issues the council would consider in making their decision.

Stephen Lango, Provo, said the amount of debt within the city was a big concern and, no matter how they were paid, it still came out of his pocket. He was against the bond until he attended an open house and heard how the police were packed into their space. He agreed that we need to consider more than just money. We need to build a new building and do it right – the other two options (1 and 2) were just bandaids.

Jessica Eggbert, Mapleton resident working in East Bay, supported Option 1. She had a vested interested in that area so she supported the Sears building. She felt both downtown and East Bay needed to grow. Option 1, which was fiscally conservative, was timely, functional, accessible, and consistent with the innovative culture of Provo. By moving the city center facilities to the Sears building it would create arts, culture, and tax base opportunities for the downtown property. She encouraged the council to consider Option 1.

Mr. Knecht said Brixton was not looking at putting big box retail in the Sears building. Mr. Parker agreed saying their intent was to develop office space and, possibly, ground level retail.

Mr. Parker was asked (through a text) to mention the annual and monthly cost of each option for a median home ($265,000).

* Option 1 – Annual cost $77.22/$6.43 per month.
* Option 2 – Annual cost $87.72/$7.31 per month
* Option 3 – Annual cost $119.45/$9.95 per month

Mr. Stewart asked about the annual cost for a business. Mr. Jones gave the estimated annual and monthly cost for a $500,000 business.

* Option 1 – Annual cost $268.03/$22.34 per month
* Option 3 – Annual cost $410.97/$34.25 per month

Mr. Jones said the resolution before the council provided the numbers for a house and a business of the same value ($265,000). For a $265,000 business the numbers were:

* Option 1 – Annual cost $142.05/$11.80 per month
* Option 3 – Annual cost $217.82/$18.15 per month

Sherrie Hall Everett, Provo, attended both open houses and learned a lot through the discussions with Brixton Capital. Knowing the full picture, she was in favor of Option 1. She shared numbers that had not been considered. With a 20-year bond option, at three percent interest, Option 3 required $92 million in principal and interest payments. Option 1 required $60 million in payments so the taxpayers would save that $32 million. Selling the current city center property of nine acres, at approximately $1 million per acre, brought that up to a $41 million dollar savings. With an additional $10 million in operating and management savings over 50 years, Option 1 was already $51 million less than Option 3. She hoped the city would do something good for the downtown and downtown neighborhoods if the council chose Option 1. The downtown deserved a community area, which would bring more users, retail, hotel dollars, and tax base to this community.

Eddie Goitia, Provo, lived in the downtown area and supported Option 3. He moved from Tempe, Arizona where he was a business owner in the downtown area. In the 1970’s their city council faced a similar decision and chose to stay downtown. Brixton was beholden to their equity investors, not the citizens of Provo. To move south in order to prop up the mall was not good. Vibrant cities based their city hall in a downtown location. He wanted to see Provo prosper and keep the city hall downtown.

Shannon Bingham, Timpanogos Neighborhood, liked Option 3 because it would keep the civic center downtown. The city had worked hard to revitalize downtown and, keeping the city center downtown, was important to the citizens. Moving the city center to the southern edge of the city, into a dying building, was not a good idea. She said the freedom commons area, where the old RC Willey building was torn down, was another option for a new city center.

Aaron Skabelund, Rivergrove Neighborhood, liked Option 3. The government represented the people and the location and design should speak to our core identity. If all we were thinking about was the cost, the recreation center would not have been built and we would not have our library. He and his family spent hours campaigning door to door for the recreation center. He had only used it one time but he was glad he campaigned for it. If the council chose Option 3 he and his family would campaign door to door again. If they chose Option 1, he would campaign against the choice.

Brent Troutner, Provo, felt that Brixton was saying we needed to consider the Sears building in order to help them succeed. He hoped that was not taken into consideration. Once the choice was on the ballot, people would not know there were other options. He said that people he talked to did not know the decision on which option to choose had not been made. He did not think that was fair. As Provo, we had a long history and heritage and we needed to be thinking about the long-term image this would present. It may cost more but we needed to think outside the box. What image would it present to people if we were located at the mall?

Ms. Memmott asked for a response to her question about how the cost was still $44.5 million for a building with 30,000 less square feet. Mr. Parker presented Option 1a to the council earlier that day, which was to build the new 30,000 square foot space immediately. While the total cost of ownership actually went down over 50 years, if we build it later construction costs tend to outpace inflation. The council decided to take that option off the table. It would have increased the bond but the council felt that a city grew into the space that was built. They wanted to make it a harder decision to build later, rather than easier.

Celeste Kennard, Joaquin Neighborhood, said it was hard to compare the options because they were not comparing the same thing. She loved old buildings and loved to see them renovated but it worked better when for asmaller development, not a city center. She liked Option 3 because it would be built as a city center from the start. East Bay was an area where office buildings should be built and used by people coming into the city. The city center should be built where the residents were located.

Kerri Prince, Franklin Neighborhood, had followed the hundreds of threads through social media. Initially, she did not want any more debt. Someone pointed out that the reason we have so much debt was because people had not resolved similar problems 20 years ago. With that in mind, if we were going to bond, we should build something of which we could be proud. She supported Option 3. It would only be $3 per month more and would be great for our downtown.

Scott Bingham, Timp Neighborhood, moved to Provo in the 1980’s and planned to live here permanently. He had been to the city offices three times in the last week for his work as an architect. He also served on the Design Review Committee. He asked why we were settling for a 50-year building. We should be planning for something that would be relevant 100 years down the road. He did not see the mall option fitting that scenario. He feared that it would create a vacuum in the downtown area if Provo moved their city center out of the area.

Marilee Frandsen, Wasatch Neighborhood, supported Option 3. If the fire department was moved to the south part of the city, it would add ten minutes to their response for calls from central Provo. For the majority of the citizens of Provo, it would be better to have a centralized location. She felt that increasing the property tax was a serious matter. Mr. Parker replied that if Option 1 was chosen, there would still be a fire station downtown. Police response would not be affected because there were several cars patrolling the city at any given time. Mr. Parker stated it would be better to use property taxes to pay for construction. Saving money for projects was good because we did not incur debt, but construction costs were increasing faster than inflation. Another problem with saving money for a project was it would be tempting to use the funds for something else.

Rick Nielsen lived in Salem but worked in Provo. He supported the Brixton option because they had vision and could see things that we could not see. By changing the design of the Sears building, it would change the impression people had of the building. There could be some economic stimulus by relocating to East Bay. In addition to the medical school and a new high-rise hotel, other businesses might move into the area, which would help renovate southern Provo. He supported Option 1.

Chair Winterton closed public comment and invited council discussion. [(2:25:30)](https://youtu.be/sHFF2dFOIts?t=8730)

Mr. Stewart preferred Option 1 – the Brixton Capital option. Our biggest concern was public safety so he would support passing the bond regardless of which option was chosen. He hoped the citizens would support any option the council chose. He reviewed some of the facts associated with Option 1.

* Cost - The $28 million difference between Option 1 and Option 3 was stark. It was a 54 percent increase and, if we sold the city property for $4 million, it would be a 63 percent increase.
* Square Footage
  + The police department space was currently 27,000 square feet. With Option 1, it would increase to 78,000 square feet - a huge difference. It would be nice to build what we would like to have but we need to build something, at the most optimal cost, that met the needs of the city.
  + Office Space would increase from 39,000 square feet to 56,000 square feet. He was not in favor of building extra space for future growth of government.
* Parking – The mall would have 750 parking stalls while a new city building would only have 350 parking stalls. Mass transit would be available right at the mall but would be three blocks away from a new city center.
* Construction Time – It would take 12-16 months, without disturbing our current operation, if we build at the mall. It would take 24-36 months to build a new city center. We would wait two years longer for a new public safety building.

Mr. Knecht asked Mr. Parker about Sherrie Hall Everett’s concern about the amount of interest we would pay with Option 1 and Option 3. According to Ms. Everett, the city would pay 50 percent more interest for Option 3. Mr. Parker said the total cost of ownership numbers attempted to bring that number into the equation. The principal and interest was included in the annual cost for either option. In addition, one dollar 20 years from now is not worth the same as it was today. Bringing things to net present value was to equate those numbers to current dollars. In every case, both principal and interest were an important component of the numbers.

Mr. Handley understood that the 50-year calculation was based on net present value, and included all principal and interest, so you should not consider the net present value twice. The difference between Option 1 and Option 3, over 50-years was $11 million, which was only nine percent. It was important to recognize the differences in terms of what they were buying for the additional $11 million.

Mr. Harding shared research from a 2005 study of Wisconsin county seats showing that counties with government offices downtown had more businesses, retail, restaurants, travel accommodations, and professional/technical businesses downtown than those counties without a downtown government office.

He also shared an article from the San Diego Union Tribune, which talked about the Oceanside Police Department. The article stated that 17 years after the Oceanside Police moved into temporary headquarters in an aging shopping center, talk had emerged about finding a permanent home. Oceanside never intended the shopping center to be their permanent home but, due to budget constraints, had not been able to move.

After all the surveys, Option 2 was the least preferred. It surprised him because it addressed the most critical needs first – police, fire, and dispatch. In this option, we could stay in the current city center for 20 years until the bond for public safety buildings was paid off? He felt this was a frugal and reasonable option.

Mr. Harding said that it was better to plan for 50 years instead of 20 years. What would we have after 50 years? With Option 1 we would have a 70 year old building with older systems or systems that had been replaced. With Option 3 we would have a 50-year old building but it would have been built for the purpose of housing fire, police, and city hall offices. There was value to having a presence downtown that did not show up in the net present value.

Mass transit was three blocks away from Option 3 versus onsite with Option 1; however, the actual distance was only 20 percent more. A three-block walk on Center Street would be a pleasure as opposed to walking through a parking lot.

We have to understand the burden this was placing on our citizens. It would come down to a value judgement for the council. City hall was where city business was conducted. He felt there was value in being downtown - it was the heart of the city. The needs for our police and fire were critical. Public comments (through public hearings, surveys, and Open City Hall) were heavily in favor of Option 3. He will be voting for Option 3.

Mr. Van Buren said one of the most important factors for him was the sad state of our facilities for police and fire. Both chiefs had expressed feelings about which option they would prefer. He asked Chair Winterton to invite both chiefs to share their feelings about the options.

Richard Ferguson, Provo City Police Chief, thanked the council for acknowledging their need for a new public safety facility. He was concerned about terrorism and other safety issues. Police officers took an oath to protect citizens and that included employees as well. He looked at issues Salt Lake County was dealing with and projected that we may experience similar problems in the future. While Option 3 was a new building, Option 1 raised red flags with him because there might be some issues that may not have been considered. He wanted to give future chiefs the opportunity to grow with a vibrant city.

James Miguel, Provo City Fire Chief, said the success of this project that was critical. He had far less to fight for than Chief Ferguson but there was value in keeping headquarters for public safety services together in one building. Our dispatch center was in an undesirable situation and we owe it to them to make this as perfect as possible. He strongly favored Option 3.

Mr. Van Buren said public safety was his top priority. If they preferred Option 3, he would be voting for that option. As a life-long resident of Provo, he had strong feelings for our downtown. It used to be the place to shop but it suffered when the University Mall went in and when Provo Towne Centre was built in south Provo. He did not want to hurt our downtown again by sending our city offices south.

Mr. Sewell appreciated the 50-year net present value presentation and noted the difference between Option 1 and Option 3 was 8.3 percent in cost. His main reason for supporting Option 3 was the police and fire needs. They were operating in substandard and cramped conditions. A new “purpose built” safety building would give them the best chance for success. With terrorism becoming more of a threat, he wanted the building built to the latest standards and recommendations for safety, maximum efficiency, and utilization of space. Providing the best working conditions could help attract good public safety personnel and it was worth the 8.3 percent difference.

It was important to keep our public safety building and city hall downtown for economic and safety benefits. People felt safe walking downtown at night while many other cities were not in that situation. Having a police presence downtown, at all times, was one of the reasons. There were intangibles, such as the image component, for keeping city offices downtown. He like having potential investors visit the mayor in her downtown office where they could run out for a quick bite of lunch. The downtown was one of the treasures of our city. Based on citizen feedback, Mr. Sewell said Option 3 had the best chance of getting approved.

Mr. Handley thanked everyone, including citizens, staff, and Provo Towne Centre officials, that gave feedback and helped the council look at this issue from many different angles. He had gone back and forth on this issue over the past few weeks. He shared others concerns about the debt and burden this would place on the citizens. When he was first elected, he took a tour of the police department and was appalled that they had been in neglect for as long as they had. He encouraged citizens to watch the video showing current police conditions so they would understand the urgency the council was facing. If we go into debt, we need to be careful about construction costs. If the project was built piecemeal the project could cost even more.

He was convinced that if the city center was moved to the mall we could probably make it work. It concerned him there was little precedence for having police and fire headquarters at a mall. He did not think it was worth the risk to public safety. While there were economic benefits to both options, he shared the belief that Option 3 would keep the downtown revitalization momentum going. It would provide a beautiful entry point to the city and help create a sense of identity for Provo City. By building from scratch, we could design the city center exactly how we need it. The energy efficiency of a brand new building was important and was one of the reasons why the $28 million gap narrowed to $11 million over 50 years. He was confident a new building would last more than 50 years. He shared Mr. Stewart’s commitment to making either option work in order to get police and fire what they needed.

Mr. Knecht asked how the focus groups responded to the question of how much they valued the city center as a landmark. Mr. Parker replied that the focus groups were given a series of arguments for and against various options. One of the questions was if they considered the city center a landmark. It was interesting that many of the respondents did not even know where city hall was located because they transacted most of their business with city hall on-line. Having city hall as a landmark was not important to them.

Mr. Knecht was concerned about what the average voter would vote for. There was a great need for new offices and we needed to chose the most likely option that voters would approve. If they felt we were spending too much, we would lose big time. Another vote could be years away. He was in favor of moving to the Provo mall. He said University Mall was built in the 1970’s and had reinvented itself in order to stay alive and become a focal point for Orem. Brixton was trying to do the same thing with our Provo mall. In order to be fiscally conservative, he supported Option 1.

Chair Winterton thanked Mr. Bowles and Brixton Capital for their work and accommodation when Provo approached them about the possibility of moving the city center to the mall. He appreciated the partnership and wanted to continue working with them. We were also partners with many businesses downtown such as the new courts building, the convention center, and the new hotels. He said Provo City had three main entrances to the city. A new university would enhance the entrance on south University Avenue. It was important to keep an attractive entrance from north University Avenue. He expressed concerns about the third entrance from Center Street if we vacated the current city center location. Having the city center in our downtown was important.

Chair Winterton said a new city center was considered five years ago at a cost of $48 million. It was now $68 million and, in five years, we might not have the option to wait longer. We needed a new building now because it would not be cheaper in the future.

Mr. Parker echoed Chair Winterton’s comments about Brixton Capital. They were making an $85 million investment in the mall project. They had begun the project with building a new hotel and applied to build new buildings in front of the mall to include restaurants and other chain businesses. They had invested in current tenants to make sure they stayed strong and stable. The council had two good options to chose from. Both options were functional and provided good opportunities for the city.

Mr. Stewart said it looked like the vote would be 5:2 in favor of Option 3. Even though he expressed a preference for Option 1, he changed his vote to Option 3. He had never voted against the police and fire department and he wanted them to know he fully supported them. He hoped Mr. Knecht would agree so the council vote would be unanimous.

Mr. Knecht said he would also support the police and fire department by not sending a mixed message. He would vote for Option 3.

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| **Motion:** | Council Member George Stewart made a motion to insert the appropriate language regarding Option 3 into the draft resolution. |

Council Members discussed the motion by Mr. Stewart. Mr. Jones clarified there was nothing in the draft resolution that indicated a specific location for the city offices. Council members asked that the language be amended to state that city buildings would be built in the downtown area and a new fire station would be built in the Edgemont area.

In response to a question from Mr. Knecht, Mr. Strachan said the first motion would be to select the language going into the draft resolution and a second motion would be made to approve the resolution, which included the official ballot language.

The council recessed for five minutes while Mr. Jones amended the draft resolution to address council concerns.

Mr. Jones suggested the following language be added to the draft resolution in order to confirm a downtown location and clarifying where the new fire station would be built. “…for the purpose of acquiring, constructing, and equipping in the downtown area a new police and fire headquarters, emergency dispatch center, and city hall; acquiring, constructing, and equipping a new fire station to replace the fire station on Canyon Road; and providing for related improvements in Provo City, Utah…” That language appeared throughout the resolution in all the relevant places.

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| **Motion:** | Council Member Stewart moved to insert in the draft resolution language selecting Option 3 and specifying that the building of the city hall and public safety building would be in the downtown area, as indicated in the draft on the screen. The motion was seconded by Council Member Sewell. |

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| **Roll Call Vote:** | The motion passed 7:0 with Council Members Handley, Harding, Knecht, Sewell, Stewart, Van Buren, and Winterton in favor. |
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Mr. Jones explained there was now an implied motion to approve the resolution as amended.

Chair Winterton called for a vote on the implied motion.

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| **Roll Call Vote:** | | The motion passed 7:0 with Council Members Handley, Harding, Knecht, Sewell, Stewart, Van Buren, and Winterton in favor. | |
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| **4** | | **A resolution appropriating $350,000 to acquire a purchase option for property located at Provo Towne Center Mall. (18-073)** | |

This item was withdrawn from the agenda.

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| **5** | **Ordinance 2018-24 amending Provo City Code to decrease the required lot width and depth minimums for single-family zones. Citywide impact. (PLOTA20180063)** ([3:44:29](https://www.youtube.com/watch?v=sHFF2dFOIts&t=13469s)) |

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| **Motion:** | An implied motion to approve Ordinance 2018-24, as currently constituted, has been made by council rule. |

Robert Mills, Provo City Planner, presented. The proposed ordinance would amend two sections of the code relating to lot width and lot depth in the R1 zone. Staff reviewed the applicants request and had no concerns with the lot depth amendments. They were concerned with modifications to the lot width because it had a direct impact on the nature and densities of our neighborhoods.

The Planning Commission recommended partial approval by amending only the lot depth requirements. Mr. Jones clarified that a motion made in work session earlier officially substituted the Planning Commission’s recommendation for the ordinance amendment. The implied motion applied to the amended ordinance. The applicant did not have a problem with the amendment.

Chair Winterton invited the neighborhood chairs to comment.

Leeana Griffee, Lakewood Neighborhood Co-Chair, stated the neighbors were concerned that the depth amendment would change the continuity of the neighborhood. They were concerned with how two homes, with a shared driveway, would fit on the property. They were fine with one home being built on the property, but not two. There was not a vote taken in the neighborhood meeting. Neighbors were hesitant to say how they felt because they liked the applicant.

Mr. Knecht stated that a legal flag lot could be created in an R1.6 zone if it met the minimum square footage requirement. The property owner could subdivide into legal lot sizes but they could not stack units. Ms. Griffee said the proposal looked like the homes would be stacked. Even if the homes were far enough away and met the lot size requirements, the development would not be consistent with the rest of the neighborhood. They were concerned that there might be similar developments in the future.

Bonnie Morrow, North Timp Neighborhood Chair, spoke in favor of the proposal because there was a housing shortage in Provo. If we limited the ordinance to infill only, it could solve many problems and fears and allow neighborhoods to be rehabilitated. This had nothing to do with new developments or profiteering by developers. She owned an older home that, if it was torn down, the bank required her to build a 5,000 square foot home on the property. The amendment would allow older homes to be torn down and subdivide the property while still maintaining the minimum square footage requirements. This became a win for the city and community because there would be more taxes coming in. In the North Timpview area, the homes were getting old and trying to update or fix them was costly. She asked the council to amend the language to allow the reduced lot depth minimums for infill developments only.

Sharon Memmott, Edgemont Neighborhood, was concerned about this amendment for infill lots. If people put flag lots in her neighborhood, she would lose her privacy. She expressed concerns that we were making this change citywide because of one project.

Chair Winterton invited public comment.

Chance Hansen, Provo, owned a home on property that would be affected by this vote. It was an older home that would not make sense to remove the home and rebuild into the large 5,000 square foot home that was required by the bank. He could see the value in allowing the land to be subdivided and in order to bring in new homes.

Brian Morrow, North Timpview Neighborhood, was in favor of reducing the lot width to 75 feet. He bought an infill lot, on a street that was struggling, and built a new home on it. They purchased a second piece of property and removed the home because the roof caved in and built a new home on the property. Other property owners have done the same. One or two new homes could help stabilize a neighborhood. It would not make any difference unless they changed the lot width to 75 feet.

Chair Winterton closed public comment and invited council discussion.

Mr. Mills said that, while infill development was an important concern in Provo, the code did not define the term. With this specific amendment, it would apply to all development, not just the way the applicant was proposing.

Angela Eggbert, the applicant, said she bought an acre of land for animals. The land had irrigation rights but, shortly after purchase, Provo took away the irrigation rights. A bad shipment of hay created a foxtail problem. The only way to get rid of fox tails was to plant a more aggressive crop but could not because she did not have the any irrigation water. Her proposal was to create two 8,000 square foot lots on her back property, but the dimensions would be 100 feet wide by 80 feet deep instead of 80 feet wide by 100 feet deep. Her plan was denied but Mr. Maxfield suggested she submit a code amendment that would address her problem. Larger developments could apply for a PD zone and have reduced lot widths. Smaller, infill lots, did not have that flexibility. Provo was facing housing issues so how could they insist on cookie cutter lots that did not fit available lot sizes. She asked that the council approve the change because it would only affect a few properties.

Mr. Harding felt it was critical to look city wide to ensure there were not any unintended consequences. This might open up development of flag lots. It was a good tool for infill development but not citywide. He recommended going with the staff recommendation.

Mr. Sewell felt this was a good change citywide, even though it was proposed for one specific project.

Mr. Mills said the implied motion, to amend just the lot depth, would not have a substantial impact on the way our community developed. Provo City had a number of ways to write zoning code that might apply to a specific lot or subdivision for infill development.

Chair Winterton asked if any council members wanted to continue this item. Seeing none, he called for a vote on the implied motion.

Mr. Jones clarified that the implied motion was to approve the version of the ordinance on the screen at that time. This would only approve changes to lot depth, not to lot width, and it would change the R1.6 zone to match the lot depth of the R1.7 zone.

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| **Roll Call Vote:** | The motion passed 7:0 with Council Members Handley, Harding, Knecht, Sewell, Stewart, Van Buren, and Winterton in favor. |
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Chair Winterton asked the council to consider Item No. 8 at this time.

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| **8** | **Ordinance 2018-25 amending Provo City Code to allow commercial uses to operate "only in historic buildings" in the Residential Single Family (R1) zone. Citywide impact. (PLOTA20180094)** ([4:19:47](https://www.youtube.com/watch?v=sHFF2dFOIts&t=15587s)) |

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| **Motion:** | An implied motion to approve Ordinance 2018-25, as currently constituted, has been made by council rule. |

Josh Yost, Provo City Planner, presented. The request was to add the 6500 (Professional Services) series of uses into the R1 zone, but only in historic buildings. The RC zone permitted this series of uses in landmark buildings. The applicant requested this change to facilitate the continued preservation of his historic home, built in 1876. Both staff and the Planning Commission recommended approval in order to facilitate long-term preservation while providing a good option for their continued use. This amendment would affect 18 historic homes that were not located in an RC zone.

In response to a question from Mr. Handley, the amendment did not speak to, and would not prohibit, a specific type of use, such as non-profit, real estate, medical, etc.

Mr. Harding asked what protections would exist to someone that lived in a residential home next to an historic home with a business or professional office? Mr. Yost said Professional Services was listed as a conditional use. If there were any impacts, related to city services or safety, the city could impose conditions to mitigate those adverse affects. Professional offices had low impact, both visually and activity wise. Those impacts could be studied on a case-by-case basis.

Chair Winterton invited public comment.

Mr. Owens, Provo, said Craig Call made a similar request years ago - to use history homes for businesses. He had one next door to him and it was a sad situation. They should clarify that the historic home should be on the national historic home register. When you put a business in historic homes, it was abandoned home every night and every weekend, there was no permanent resident. This needed to be refined and the professional uses needed to be specifically defined to avoid being used for things like drug rehab.

Mr. Jones clarified that historic homes, as defined in Title 14, meant any building designated on the Provo City Landmarks Register by action of the Provo City Landmarks Commission and the Municipal Council. The amendment would only apply to those buildings.

Responding to Mr. Harding’s question, Mr. Yost said the ordinance, as written, excluded uses 6513 (hospitals) and 6518 (blood banks), not 6513 through 6518 which would include other uses such as behavior, drug, and alcohol treatment centers; sanitarium, convalescent, and rest home services; and medical clinics. A motion would be needed to change the excluded uses from 6513 *and* 6518 to 6513 *through* 6518.

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| **Motion:** | Council Member Knecht made a motion to change the excluded 6500 uses to state 6513 through 6518. The motion was seconded by Council Member Sewell. |

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| **Roll Call Vote:** | The motion passed 7:0 with Council Members Handley, Harding, Knecht, Sewell, Stewart, Van Buren, and Winterton in favor. |
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Chair Winterton invited the applicant, John Hayes, to comment. Mr. Hayes purchased the home on 485 East 400 South when he had two children attending BYU. The home, called the Johnson Hansen Home, was built in 1876. It was an historic relic and should be protected. The home was in good architectural shape and was on the city, state, and federal National Historic Register. Less than five homes built in that era were left. This home was not an income property. He stayed in the home when he had business in Utah County, but it was vacant most of the time. It needed to be preserved for future generations. If it was home to a non-profit or an attorney’s office, the public would have access to the home and could read the history of the home. The proposal was well thought out and he recommended adoption of the amendment.

Chair Winterton closed public comment and called for a vote on the implied motion.

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| **Roll Call Vote:** | | The motion passed 7:0 with Council Members Handley, Harding, Knecht, Sewell, Stewart, Van Buren, and Winterton in favor. | |
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| **6** | | **An ordinance amending the Zone Map Classification of approximately 3 acres of real property, generally located at 1138 North Geneva Road from Agriculture (A1.5) to Single-Family Residential (R1.6PD). Lakeview North Neighborhood. (PLRZ20180089)** ([4:36:59](https://www.youtube.com/watch?v=sHFF2dFOIts&t=16619s) | |

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| **Motion:** | An implied motion to approve Resolution 2018-31, as currently constituted, has been made by council rule. |

Robert Mills, Provo City Planner, presented. The proposed ordinance would change the zone on property, located at 1138 North Geneva Road, from A1.5 (Agricultural) to R1.6PD (Single-Family Residential). The applicant was requesting the zone map change to allow for a 12-lot subdivision on the property. The development would have slightly less than four units per acre. The neighborhood was in favor of the zone change because it allowed single-family homes to be built in the area.

Staff reviewed the application and informed the applicant that there were sewer capacity issues on the west side of Provo. Public Works discussed the sewer issues with the council in work meeting earlier that day. Mr. Mills noted there were also interpretation discrepancies in the West Side Plan regarding gross versus net density. Because of those issues, staff would recommend that the Planning Commission deny the request. The applicant understood those concerns but wanted the application taken to the Planning Commission in order to begin the approval process.

The Planning Commission heard the item in June and again on July 25, 2018. They voted to recommend approval of the application. They felt it would be a good opportunity for the council to hear some of the concerns and determine if the project should go forward, be continued, or denied.

The applicant, Ty Vranes with VP Homes, said they decided to move forward with the request, knowing there were sewer connection issues. He proposed separating the zone change request from the sewer problems. The Planning Commission findings were concise and to the point. He reviewed the findings with council members.

* The proposed zone change was approved by the neighborhood.
* The site was appropriate for residential use and was a good fit for this location with single-family detached homes. A performance development overlay allowed for common area maintenance and public streets.
* The proposed density was appropriate and consistent with the General Plan and surrounding land uses.
* The proposed zone change would allow for additional housing. Mr. Vranes said there was an immediate need for affordable housing.
* The development would consist of single-family detached homes, highly desirable by the neighborhood.
* The proposed development was less dense than the project immediately to the north, which consisted of large twin homes.

Mr. Vranes asked the council to consider this issue as a zone change, knowing they could not proceed with development until sewer connection issues were resolved. He asked the council to continue this item if the sewer connection issues would prohibit approval of the request.

Mr. Knecht said what was affordable to the average school teacher, fire/police officer was not the same as the average price on the market. He would not say it was affordable to the average person unless it was below $200,000. To say something was affordable was a touchy subject because so much was not affordable.

Mr. Vranes agreed saying housing prices were increasing quickly and yet wages were not keeping pace. It was a concern for developers also. For single-family detached homes, these would more affordable than the majority of homes. The cost of the land factored into the cost of the finished lot. That determined what the finished home value should be.

Mr. Stewart did not want to call these affordable homes without having a guaranteed price. That needed to be taken out of the equation.

Mr. Harding felt the market would determine the land price. If we zone the property R1.6PD the land price would be different than if it was zoned R1.10.

Chair Winterton liked the idea of continuing this item. We had a project everyone would be happy with if we had the sewer issues resolved. By continuing, the applicant would not have to go through the application process again. He did not feel comfortable changing the zone until the sewer issues were resolved.

Mr. Mills said that once a property was rezoned it had development rights and became an administrative process. As long as the applicant met the minimum requirements and standards, it became a development right for them to move forward.

Mr. Jones agreed saying the city had adopted, by ordinance, the engineering development standards. It was possible those contained standards for sewer design and connections. Even an administrative process might allow rejection of the project if it did not meet those standards.

Mr. Knecht said a developer in his neighborhood bought a piece of property that was zoned R1.10 for several years. The developer could not get approval for a development because the city said they needed to build a water tank.

Mr. Vranes said they understood that sewer connections would drive everything. They just wanted to “get in line” for development because at some point the issues would be resolved.

Mr. Handley said he was not comfortable voting for or against the zoning change and preferred to continue the item until the sewer connections were figured out. They needed to develop a policy, going forward, because this would not be the only application for the west side. If it was going to take more than a year before these issues were resolved the council needed a plan on how to respond to applicants.

Mr. Jones said if it would take 1 ½ to 2 years to get the sewage capacity on the west side, the property may not be owned by the same owner. A new owner might build something different. One option, until sewer issues were resolved, would be to approve, via a development agreement, to ensure that new owners would build the same project.

Chair Winterton invited public comment.

Geri Alphin, Lakeview neighborhood Chair, was concerned that the sewer issues might stop development on the west side. The proposed development only needed 12 permits. We have a responsible developer that wanted to build a great neighborhood on the west side. The development would attract small families, single professionals, and empty nesters. She urged the council to help development on the west side while they were solving the sewer problems.

Craig Whiting, the applicant’s realtor, said the applicant was taking a risk building single-family detached homes next to the railroad tracks. Most developers would only put townhomes or condos on this type of property. That was why the neighborhood supported this development. He said it was hard to know price points for the development at this time.

Sam Oman, Provo, asked if approving the zone obligated the city to install sewer? The law now required new homes to connect to Provo City sewer. If the property was rezoned could the city stop the homes from being built? These questions needed to be answered before the rezone was approved.

Chair Winterton closed public comment and invited council discussion.

Mr. Jones said he was not sure about Provo’s obligation to build the sewer lines but felt a development agreement solved that problem. The development agreement would cover more than the available services.

Mr. Stewart said he would not vote for a rezone on the west side until adequate sewer connections were available for developments that had already been rezoned.

Mr. Sewell felt this was a great project and wanted to see it go forward. He would prefer to continue the item (for the shortest amount of time) until sewer connection concerns were addressed.

Mr. Harding said there was another conflict in addition to the sewer connections. The West Provo Master Plan was still under development. The council tried not to make large decisions while plans were being developed. Even though it was only 12 connections, we were already over committed on the west side. If the rezone was approved, it would give hope to others as well. He agreed with Mr. Handley that we needed a clear policy. We should not move forward until the sewer issues were resolved.

Council members discussed continuing this item and whether the continuance should be date specific or indefinitely. Public Works was working on a plan on how to solve multiple sewer problems with the funding they had available.

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| **Motion:** | Council Member Handley made a motion to continue this item indefinitely. The motion was seconded by Council Member Stewart. |

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| **Roll Call Vote:** | | The motion passed 7:0 with Council Members Handley, Harding, Knecht, Sewell, Stewart, Van Buren, and Winterton in favor. | |
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| **7** | | **Resolution 2018-32 to adopt the Maeser Neighborhood Plan as a component of the Provo City General Plan. (PLGPA20180201)** ([5:16:24](https://www.youtube.com/watch?v=sHFF2dFOIts&t=18984s)) | |

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| **Motion:** | An implied motion to approve Resolution 2018-32, as currently constituted, has been made by council rule. |

Dustin Wright, Provo City Planner, reviewed some of the key guiding issues with the proposed Maeser Neighborhood Plan.

* Help mitigate negative impacts in the neighborhood.
* Improve connections with surrounding neighborhoods.
* Help promote a safe, walkable neighborhood.
* Transition the manufacturing and industrial uses to residential mixed-use developments in the future.
* Protect the single-family and historic character of the neighborhood.
* Revitalize the commercial core and bring a grocery store in to replace Allen’s Market, which recently closed.
* Increase the use of neighborhood parks and consider alternative locations for additional park space.

Mr. Wright said the Maeser Neighborhood Plan would be a supplement of the General Plan. Council staff included an exhibit that would be included in the General Plan.

Mr. Knecht said that each neighborhood plan had a slightly different layout. In previous plans, a block-by-block map showing homes that were owner-occupied was included. He wanted see all the neighborhood plans include many of the same things that were important. Was owner-occupancy addressed in other plans? Why was it important to include that information in this plan?

Mr. Wright replied that they followed the same template used in some of the first plans (Downtown Master Plan and Joaquin Neighborhood Plan). The Southeast Neighborhood Plan incorporated the demographic data from the 2010 census so it looked different. The block-by-block statistics was something they could add to the Southeast plan to make it consistent. He noted the plans would be updated when the 2020 census numbers came out.

In response to a question from Mr. Knecht, Mr. Wright said they did not do a comprehensive traffic study when developing neighborhood plans. A detailed traffic study was completed when they received applications for a rezone or new development.

Brian Maxfield, Provo City Planning Supervisor, stated that the Transportation Master Plan update was underway. The update took a deeper look at traffic and bikeability in all neighborhoods. He asked council members to let him know if there were specific roads in their neighborhoods they would like staff to study.

Mr. Handley referenced an email from Keera McClellan, Maeser Neighborhood Chair, asking for the item to be continued. They wanted to pursue a pilot program using form-based code to achieve their goals.

Mr. Wright said that holding up the neighborhood plan to pursue form-based code was not the best approach. The plan could be approved, but include a mandate to explore the possibilities of form-based code.

Chair Winterton invited public comment.

Sam Oman, Maeser Neighborhood Vice Chair, thanked Mr. Wright for listening to their suggestions and including them in the plan. He recommended a traffic study because of the work on major roads in the neighborhood. The 300 South reconstruction created a wall dividing the neighborhood. He was also concerned about the number of tankers driving through a residential area in their neighborhood. He did not know if the city had studied how the reduced parking was affecting the overall parking in the neighborhood. He praised the study but felt there was more to do. Provo needed to move toward putting more high density housing in TOD areas.

Martha Rasmussen, Maeser Vice Chair, supported approval of the plan. While they could not predict every problem, they worked hard to balance the needs in the neighborhood and express their goals and desires. She felt comfortable adding a goal to explore form-based code in the future, but not at the cost of delaying approval of the plan.

Chris Wiltse, Provo, said he had been discussing the pros and cons of form-based code with the Maeser Neighborhood. He felt the intent of Ms. McClellan’s email was to include discussion of form-based code as a goal and move ahead with the current plan. They could find out if it actually worked in their neighborhood without going too far and applying it too broadly.

Chair Winterton closed public comment and invited public comment.

Mr. Harding said they could add language stating the neighborhood was interested in looking at form-based code. This could be accomplished within the next couple of weeks.

Mr. Knecht said he talked about form-based code with Gary McGinn, Provo City Community Development Director. Mr. McGinn told him it was on the city’s radar. They needed to discuss and explore the idea of form-based code, but the city was not ready to experiment and embrace the idea. He favored approving the plan as-is and note there was an interest in form-based code.

Mr. Stewart said he would vote against the plan if it included approval of form-based coding. It had not been approved by staff or council and did not belong in a neighborhood plan.

Mr. Sewell wanted to pass the plan as-is and deal with the form-based code discussion when the neighborhood was ready to propose adding something.

Mr. Harding asked that, per council rules, the item be continued to the next meeting.

Mr. Jones explained that a council rule allowed an item to be continued if one council member requested the continuance. The rule about an automatic continuance could be suspended if a motion was made and approved by five votes.

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| **Motion:** | Council Member Knecht made a motion to suspend the rule concerning an automatic continuance. The motion was seconded by Council Member Stewart. |

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| **Roll Call Vote:** | The motion passed 5:2 with Council Members Handley, Knecht, Sewell, Stewart, and Van Buren in favor. Council Members Harding and Winterton were opposed. |

With a vote in favor of suspending the automatic continuance, Chair Winterton called for a vote on the implied motion to approve the resolution as written.

Mr. Harding noted a neighborhood chair had asked the council to delay voting on the plan until a discussion concerning form-based coding could be held.

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| **Roll Call Vote:** | | The motion passed 6:1 with Council Members Handley, Knecht, Sewell, Stewart, Van Buren, and Winterton in favor with Council Member Harding opposed. | |
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| **9** | | **An ordinance amending Provo City Code regarding allowances and requirements of home occupations. Citywide impact. (PLOTA20180109)** ([5:44:53](https://www.youtube.com/watch?v=sHFF2dFOIts&t=20693s)) | |

Mr. Jones noted that a motion was made and approved to send this item back to the Planning Commission for a recommendation on the text from the April work session.

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| **10** | **\*\*ITEM HAS BEEN CONTINUED\*\*An ordinance amending Provo City Code to increase buffering requirements when adjacent to a residential zone. Citywide impact. (PLOTA20180216)** |

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| **Redevelopment Agency of Provo** – No RDA items to discuss |

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| **Adjourn** |

The meeting was adjourned at 11:10 p.m. by unanimous consent.