



PROVO MUNICIPAL COUNCIL

Work Meeting Minutes

2:00 PM, Tuesday, October 09, 2018

Room 310, City Conference Room

351 W. Center St., Provo, UT 84601

Agenda ([0:00:00](#))

Roll Call

The following elected officials were present:

Council Chair Gary Winterton, conducting
Council Vice-chair David Harding
Councilor David Sewell
Councilor George Stewart
Councilor Kay Van Buren
Councilor David Knecht
Councilor George Handley, arrived 2:11 PM
Mayor Michelle Kaufusi

Prayer

The prayer was given by Isaac Paxman, Deputy Mayor.

Business

1. A discussion on a conservation easement for Rock Canyon (17-085) ([0:08:09](#))

Doug Robins, Parks and Recreation Assistant Director, presented on the conservation easement proposal for Rock Canyon. Mr. Robins outlined the history of the area, noting events in which the City has demonstrated dedication to conserving this area. Mr. Robins noted significant property acquisition which took place during the conservation process. In 2018, the Rock Canyon Preservation Alliance (RCPA) proposed implementing a conservation easement to further protect the area in the canyon. The current draft includes some of the following elements:

- Simple protection against development
- Reduced length and simplified
- Shifted tone to emphasize cooperation rather than the punitive tone of the earlier draft
- Outlines ownership and management by Provo City
- Preserves utility easements
- References the Rock Canyon Trailhead Master Plan
- Creates a Memorandum of Understanding (MOU) between Provo City and RCPA
- Transferable or assignable only by mutual agreement of the two groups
- Intended to remain in perpetuity

Parks and Recreation recommended that all City departments review the easement draft. The Parks and Recreation Department was also in the midst of preparing the Rock Canyon Trailhead Master Plan. The original stakeholders group was established in the MOU and includes members of RCPA, Provo City, and

other community stakeholders. In response to a question from Council Chair Gary Winterton, Council Attorney Brian Jones indicated that it would not represent a conflict of interest for Councilor George Handley to participate on the master planning committee. Mr. Jones indicated that per state statute, the only potential conflicts of interest recognized by the state are those which have financial implications. As far as Mr. Jones was concerned, Mr. Handley's participation on the committee would be akin to that of any Councilor serving on a committee which later presented a proposal to the Council. Mr. Handley expressed interest in involvement with the master plan committee.

Mr. Robins expressed appreciation to the Council and RCPA for their support during this draft and review process. Ginger Woolley, RCPA, expressed appreciation for about \$162,000 which was donated by Provo residents and was the source of funding for hiring a consultant to create the basis of the master plan. Ms. Woolley stressed that the understanding of many residents who donated funds was that the canyon would be permanently preserved. Claralyn Hill, RCPA, also expressed her appreciation for the City's partnership in the process. **Presentation only.**

2. A discussion on a Council Intent Statement regarding the City Center location and the use of land in the downtown Provo area (18-093) ([0:23:55](#))

Mr. Winterton introduced the item and Councilor David Harding presented on the Council's intent statement. Mr. Harding outlined the intent statement draft which it has been proposed the Council adopt to demonstrate to the public their intent in the process and to clarify several related elements of the bond.

Mr. Harding outlined the statement and Councilors suggested several tweaks and edits to the language. After these changes, the Council Statement of Intent Clarifying Bond Details read: *The Mayor and Municipal Council of Provo presently and firmly intend to build the new police, fire & city building on the same blocks as the current city building but at the west end of the block, along 500 West.*

While we're open to other locations in Provo's downtown and will take a careful look at meaningful opportunities, only a truly great alternative would entice us away from our present plan. We are excited for the opportunity to bring new businesses, attractions, and vitality to Center Street once the current city building is gone. We look forward to exploring these possibilities in the near future.

Wayne Parker, CAO, elaborated on several factors which would impact the selection of a location, including minimizing disruption on the current block and the varying redevelopment potential of various areas of downtown. Several Councilors and Mayor Kaufusi shared additional comments on these factors.

Mr. Harding called for a motion to approve the intent statement and to release it to the general public.

Motion: David Sewell moved to approve the intent statement as shown. Seconded by David Knecht.
Roll call vote: Approved 7:0.

3. A discussion on recommendations regarding a budget committee (18-075) ([0:43:08](#))

Mr. Winterton invited any additional Councilor comments or thoughts on the previous discussion about a budget committee. Mayor Kaufusi was really pleased with the budget review over the last year. She recommended inviting department directors again to present on their departments and having an open dialogue with the Council.

Councilor George Stewart was in favor of the Council as a whole filling the role of a budget committee. He felt the process last year was beneficial and met the needs of the Council for the budget review. Councilor

George Handley's lingering concern was in future years if there were a less experienced Council with regard to budgeting, that it would be beneficial to have a structure in place for a thorough budget review.

Motion: George Handley moved to consider the Council as a committee of the whole for the budget review process. Seconded by David Knecht.

Amended motion: George Handley amended the original motion to eliminate the budget subcommittee and to resort to the Council as a committee of the whole regarding budget issues. Seconded by David Knecht.

Mr. Winterton invited comments and discussion from Councilors. Several Councilors shared their thoughts on the process of the budget review in the most recent budget adoption process.

Roll call vote: Approved 7:0.

Motion: Kay Van Buren moved to break until 3:45 PM. Seconded by David Harding.

Roll call vote: Approved 7:0.

Policy Items Referred from the Planning Commission

Mr. Winterton welcomed the Council back from the break.

4. A discussion on a zone change request for the property generally located at 1776 S. Buckley Lane from Public Facilities (PF) to R1.6PD to facilitate a 33-lot subdivision. Provost South neighborhood. (PLRZ20180224) ([1:47:53](#))

Bill Peperone, Community Development Assistant Director, presented. Mr. Peperone outlined the project, which was to be located on the site of the old County jail. The site is unusual in that there is a substantially different elevation than the nearby elementary school and between the property and Slate Canyon Drive; the resulting effect is that the property is an isolated tabletop, so to speak. The developer has proposed 33 single-family homes. A developer had proposed a project with 110 townhomes several years ago, which was not well-received by the neighborhood. When the City put the property under contract with the current developer, the R1 zoning was recommended. It is proposed that the project cater to a 55+ older community. The developer has worked through the access issues with the site, including grading and utilities, and the concept plan was approved by the Planning Commission. Community Development and the developer are confident that the last portion of property which was owned by the County would be sorted out. The developer wanted to start on this project while the timing was ideal for the project to fill a need in the area.

Councilors shared various comments and discussed the proposal, including:

- Councilors asked for clarification on the portion of the property which belonged to the County and the associated complications. Mr. Peperone explained that after the process of finalizing new appraisals was completed, it would be arranged between the State, County, and developer.
- Councilor David Knecht offered additional comments on the history of the property and the previous proposal from D.R. Horton.
- Councilor George Handley asked about the age restriction for the project. Mr. Peperone clarified that the units are designed with a 55+ demographic in mind, with rambler-type homes and main-floor living. The yard space and public areas are maintained by the HOA, with the streets as dedicated public streets. The project will be age-restricted under the Fair Housing Act.
- Councilor David Harding asked about the age restriction in the CC&Rs (Covenants, Conditions & Restrictions). Mr. Peperone indicated that this would keep the project aimed at the 55+ age group.

- Mr. Handley referenced a recent housing report, noting that it did not indicate that this 55+ demographic was underserved.
- Mr. Knecht commented that the intent was to provide housing for different stages of life. Prior to the County jail, the property had actually been the site of a retirement home.
- Mr. Peperone noted that the developer has done similar projects before, but this particular project will be age-restricted. Mr. Harding expressed discomfort with the concentration of a 55+ demographic, when many neighborhood concerns have centered on the population of families with children and the elementary school population, and that many conversations in the neighborhood have centered on another underserved demographic in the same area. Mr. Peperone explained that the townhome project would have been attractive to the demographic which would have filled up the local elementary school, but the neighborhood emphatically refused that project for their neighborhood in favor of single-family detached homes. Mr. Peperone noted that this project delivers the single-family detached units, though the neighborhood had not specified anything about an age-restricted development.
- Councilor Gary Winterton asked several clarifying questions about the implementation of the age-restrictions. Mr. Peperone clarified that owner-occupancy is required, so the age restriction would apply to the owner. Mr. Peperone noted the benefits of inviting a 55+ demographic; these homeowners did not put a burden on the school district, while they had more discretionary income. Mr. Harding noted that other demographics were similarly suited and situated.

Presentation only. This item was already scheduled for the Council Meeting on October 9, 2018.

5. A discussion to add a home, located at 395 East 100 North, to the Provo Landmarks Register. Joaquin Neighborhood. (PLLN20180305) ([2:08:52](#))

Bill Peperone, Community Development Assistant Director, presented. Mr. Peperone showed the location of the Christoffersons' home. Mr. Peperone highlighted several General Plan goals and policies which encourage expanding Landmarks Register opportunities as much as possible. Mr. Peperone outlined criteria for placing an item on the Landmarks Register and noted where this structure fulfilled the required minimum and additional criteria.

Mr. Peperone also provided a brief history of the home, which was early on owned by Walter Headquist, a local pharmacist and druggist, and United States veteran, in Provo in the 1920s. The home was designed by local architect Joseph Nelson, who also designed Dixon Junior High, Allen Hall, Amanda Knight Hall, the Heber J. Grant Building, and the historic County Courthouse. No changes have been made to the home to disrupt the historical integrity of the residence. Many elements are characteristic of the Tudor style, including corbel brick, asymmetry, diamond pane windows, and the steeply pitched roofs. *Presentation only. This item was already scheduled for the Council Meeting on October 23, 2018.*

Closed Meeting

6. The Municipal Council or the Governing Board of the Redevelopment Agency will consider a motion to close the meeting for the purposes of holding a strategy session to discuss pending or reasonably imminent litigation, and/or to discuss the purchase, sale, exchange, or lease of real property, and/or the character, professional competence, or physical or mental health of an individual in conformance with § 52-4-204 and 52-4-205 et. seq., Utah Code. *None requested.*

Adjournment

Adjourned by unanimous consent.