



## PROVO MUNICIPAL COUNCIL Work Meeting Minutes

1:30 PM, Tuesday, September 10, 2019  
Room 310, Provo City Conference Room  
351 W. Center Street, Provo, UT 84601

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

#### Roll Call

The following elected officials were present:

Council Chair David Harding, conducting  
Council Vice-chair Kay Van Buren  
Councilor Gary Winterton  
Councilor David Sewell  
Councilor David Knecht  
Councilor George Stewart  
Councilor George Handley  
Mayor Michelle Kaufusi, arrived 1:42 PM

#### Prayer

The prayer was offered by Cliff Strachan, Council Executive Director. Following the prayer, the group sang Happy Birthday to Councilor David Harding, Bryce Mumford, and Brian Jones.

#### Approval of Minutes

May 14, 2019 Budget Retreat  
June 18, 2019 Work Meeting  
*Approved by unanimous consent.*

#### Business

1. **A discussion regarding sewer capacity west of I-15 and a consideration of options.**  
(19-085) ([0:04:53](#))

Wayne Parker, CAO, provided a brief background on the topic for the presentation. At the Work Meeting on August 27, 2019, Public Works staff presented on sewer capacity in areas west of I-15 and Provo generally. Mr. Parker explained that additional policy direction was needed regarding sewer capacity in west Provo. The City has identified a seven-year plan to address the wastewater system, however, developers in Provo have expressed a need to address it sooner. Several developers have been invited to share insight from their businesses with the Council regarding sewer impacts. Following the developers' presentation, the Administration and Council could discuss the policy direction. If the Council were interested to explore other options, they could identify key factors or scenarios, allowing the Administration to prepare several models detailing the financial and operational impacts of various scenarios.

Please Note – These minutes have been prepared with a time-stamp linking the agenda items to the video discussion. Electronic version of minutes will allow citizens to view discussion held during council meeting.

Krisel Travis, D.R. Horton, expressed appreciation for the opportunity to speak to the Council regarding sewer issues. About six years ago, D.R. Horton examined a major corridor in the west side of Provo, however they rescinded their application after it was evident that there was not yet a plan in place for addressing the immediate infrastructure needs there. Ms. Travis outlined further details of the revised project application and plan that they submitted subsequently.

Ms. Travis shared statistics regarding D.R. Horton's work nationally as a leading homebuilder in the country. They have used master planning strategies in other communities and see west Provo as a great location for a master plan, as well as an opportune market for single-family homes. The housing market is moving past Provo as homebuyers purchase in Payson, Spanish Fork, and Santaquin due to these cities being more affordable.

Ms. Travis highlighted a project in Saratoga Springs, in which D.R. Horton worked with the city on contributing to improvement costs. D.R. Horton invested roughly \$2 million which was repaid to them through impact fees with no interest. It was a mutually beneficial arrangement with the city, which allowed them to move forward with their project and allowed Saratoga Springs to finance an interest-free loan via impact fee repayment. The impact fee repayment was calculated for a benefit area, from which a portion of the impact fees collected are returned to D.R. Horton. In another project in Saratoga Springs, D.R. Horton donated the land on which the city would build a new sewer lift station. They also worked with UTA and the city to preserve a 180-foot corridor through their project to allow for future transit lines. Ms. Travis highlighted another project in Lehi in which D.R. Horton put over \$9 million toward city improvements. Although the process to entitle the land or funds, the improvement projects, and ultimately the developer's project can take several years, they want to be a good partner for the City.

D.R. Horton has had their Osprey Point townhomes on hold, as under the current policy there was not sufficient wastewater capacity. Ms. Travis hoped the Council would work with staff to explore opportunities to move projects forward on the west side.

Chris Gamvroulas, Ivory Homes, shared details on their project at Broadview Shores in west Provo. The approval process for their final plat review has been a very drawn-out process, on account of the sewer capacity limitations. Due to these delays, they have lost the current construction season. They have worked with the City to identify a right-of-way corridor for Lakeview Parkway, which the City has purchased. Mr. Gamvroulas has worked with the Administration to identify potential commercial sites where a grocery store could locate, which was widely supported by residents. Ivory Homes also built a sewer lift station in 2015-2016 in Broadview Shores, which opened up additional capacity in that area, which in turn facilitated the relocation of Provo High School. Ivory Homes paid \$1.5 million of those improvements, which the City has reimbursed. Mr. Gamvroulas highlighted the potential commercial center, which would be located adjacent to Lakeview Parkway. Geneva Road would be declassified, with Lakeview Parkway as the primary corridor and traffic carrier through Provo. Mr. Gamvroulas highlighted elements of their project and how that would interface with the broader community.

Mr. Gamvroulas explained that their situation was somewhat different than D.R. Horton, as they had some momentum and could continue to move forward. However, they joined D.R. Horton in encouraging the Council to continue to explore options to find a more aggressive schedule to

open up additional sewer capacity in west Provo. He indicated that Ivory Homes was motivated to identify other ways to accelerate the sewer capacity, noting that it was an important economic development driver for potential industrial, commercial, or office uses around the airport. He understood the City's pay-as-you-go approach for the new wastewater treatment plant, but Ivory Homes was willing to look at sharing some up-front costs with the City and others. They have done similar infrastructure investments on a reimbursement plan in Lehi and Park City. With their large-scale master planned approach, infrastructure was a critical component.

Councilors asked questions and shared comments on the presentations, including:

- Councilor George Handley asked about the advantages of more centrally planned development and why that was a preferred approach rather than piecemeal development.
- Mr. Gamvroulas explained that Ivory does some of both kinds of development (master planning vs. piecemeal). With a large-scale master plan, they can program in open space, trail systems, work with the school district to identify future school sites, set aside areas for commercial uses, etc. It also allows them to work toward more cohesive traffic circulation, walkability, a network of parks and trails, and other elements that contribute to a positive quality of life. Planning on this scale simply wasn't an option with small several-unit subdivisions. They also build flexibility into the plan and work with the City on the design, which allows adjustments to fit future changes or market conditions.
- Councilor David Knecht asked whether D.R. Horton controlled all the property in their master plan. Ms. Travis indicated that it was their focus area and D.R. Horton was in the process for getting other properties under contract. Councilor George Stewart wondered whether the price of land would go up once the sewer capacity was there.
- Councilor David Harding asked for an update on the Southwest Area Plan. Bill Peperone, Development Services Director, said the land use plan was approved several months previously. The text of the plan was nearly finished, however the west side committee had expressed interest in including design guidelines to direct residential and commercial architectural feel and appearance, road design, etc. Staff have been compiling a photo library to help direct those efforts and hone in on the desired standard. While the Southwest Area Plan was a higher level plan, he thought that D.R. Horton and Ivory Homes were on the right track with the direction of the area. He hoped the Southwest Area Plan would allow the flexibility for developers to plan for larger areas, as well as to adjust density to create a more cohesive community and transitions between housing types. A mix of housing density types was consistent with the policies.
- Councilor Gary Winterton asked whether involving developers with funding infrastructure improvements would impact the City's opportunities to receive grant funding toward these projects. Mr. Decker was not aware of any Mountainland Association of Governments funding that would go toward the wastewater system; typically, MAG funding related to roadways and transportation, and use of MAG grants typically required that the related infrastructure for other utilities was already in place.

The Councilors discussed the possibility of a new middle school. Comments included:

- Mr. Stewart observed the unknown outcome of the Provo School District's bond, which would have an impact on the allocation of wastewater capacity with the proposed Dixon Middle School relocation. Mr. Stewart felt it was important to have a plan identified so that voters would know what they were voting for and the impacts of their decisions.

- Mr. Parker shared several scenarios which could accommodate the needs of the School District: realigning projects, improvement or reimbursement agreements, or working with the School District on improvements such as the 36” parallel line extension. He felt there were a variety of options which could accommodate the District’s schedule while fitting within the City’s constraints. Mr. Parker thought voters needed to be aware of the impacts of a vote in either direction, but the City would find a way to make it work.
- Several Councilors expressed that they did not residents to subsidize new development. They hoped to find a solution that would work for the City and residents, but were reticent to increase utility rates or property tax for residents to make it happen.

Mr. Parker requested after discussion that the Council articulate their key priorities, what level of interest (if any) they had in exploring the acceleration of sewer development on the west side, and any other factors the Council was willing to consider. If the Council were willing to explore a more aggressive approach, Mr. Parker wanted to know what would be important factors for the Council. Any policy direction the Council could give would assist the Administration in preparing scenarios to simulate for the Council.

Mr. Peperone explained that passing the west side plan put pressure on City departments about the expected level of development. He noted that the Council has heard clearly from developers, but there were many frustrated farmers who had not been able to sell their property because the sewer capacity was not yet there. Several Councilors expressed concern that development proceed at an appropriate pace for the amount of growth and cautioned about getting ahead of the desired type and process of development for the west side (including agricultural preservation). Mr. Harding also wanted to have the Southwest Area Plan in place prior to major development on the west side. Several Councilors were interested in exploring scenarios to accelerate development, while also considering the advantages or disadvantages of doing so and whether acceleration would help the City achieve its overall goals.

Mr. Decker noted that there were three different bottlenecks in the wastewater system with capacity issues: Lakeshore Drive, the west side lift station, and the 36" parallel line. Mr. Decker offered additional context for the needed improvements and how they interrelated. Mr. Van Buren felt that there has not been a strong enough argument in his opinion to change all the work which has been done on other plans. He wondered what is lost if the City waits; he was inclined to stay the course with the seven-year plan for wastewater improvements. Mr. Handley echoed Mr. Van Buren’s philosophical question and wondered if development was a priority, and if so, why. He was concerned about building extensive residential development, which would be costly to the City in terms of providing services, without adequate commercial centers to support the area and bring in sales tax revenue to balance the demands of residential areas. Mr. Sewell shared one reason why accelerating would be good; there is a large desire from many people who want to live in Provo and find affordable housing in Provo. With developers who were ready to start projects, he felt there could be a substantial negative impact on housing affordability.

Mr. Harding suggested the Council continue to discuss the policy direction. He observed an overall interest in maintaining the status quo of following the seven-year plan. While the Council was perhaps open to targeted proposals on projects that would accelerate this, in general they needed to be convinced on how a specific project would be for the overall benefit of the City.

Mr. Harding expressed appreciation for the great partnership with developers who have an important impact on the built environment of Provo City. *Presentation only.*

**2. A discussion regarding the Downtown Pedestrian Plan proposed by Downtown Provo, Inc. (19-093) ([1:35:16](#))**

Quinn Peterson, Downtown Provo, Inc. (DPI) Director, presented. He shared information on the primary roles of the organization: residential awareness, tourism awareness, creating space and making connections, and downtown advocacy. Mr. Peterson highlighted several recent projects and initiatives. Each year, the DPI Board creates a policy document to highlight issues affecting downtown. During 2019, they have created a policy document highlighting the designation of Center Street as a pedestrian mall. The recommendations include changing the physical environment and traffic patterns (such as directing more vehicle traffic to 100 North), which will in turn make the continued traffic enforcement efforts more effective. Other changes will make Center Street more pedestrian-friendly.

Councilors shared comments on the document's contents and proposed adjustments, including:

- Councilor George Handley asked about shutting the north half of Center Street. Mr. Peterson thought there were more appropriate incremental steps; he was worried that might be too drastic. However, businesses have expressed support of this policy document, and there are other changes which should be put in place first.
- Councilor David Knecht noted the tendency for drivers to exceed the posted 15 mph speed limit and that physical changes such as elevated crosswalks could mitigate that. Mr. Peterson was reticent to instruct the city engineers, as changes to the road design likely introduces certain complications, but he felt the list of suggested physical changes offered could happen downtown. These are what the Police Department have recommended which would help them to conduct more effective enforcement with the desired results of making downtown more safe for pedestrians.

Mr. Peterson noted that of the individuals and businesses who were engaged in the community, none has opposed the 100 North diversion proposal. They have also seen improved parking enforcement happening downtown. Mr. Peterson noted that with the current funding structure, DPI is reaching their limits. They fill many roles downtown and as growth continues, their current model will be less sustainable; DPI will continue to explore additional revenue sources. They have been able to secure RAP tax grants for the monthly mural program and they have also partnered with the Parks and Recreation Department to redo the planters and park strips downtown. Mr. Harding expressed that the Council was thrilled to have Mr. Peterson leading DPI; he has brought great energy and effective leadership to downtown and has maximized the City's investment in DPI. *Presentation only.*

**3. *\*\*CONTINUED\*\** A discussion on defining over-occupancy as a nuisance. (19-094)**

**4. A discussion regarding an appropriation related to elements of the FY19-20 Provo City Budget that need to be revisited (19-095) ([2:20:40](#))**

David Mortensen, Budget Officer, presented. He explained that formula errors in the budget

spreadsheet resulted in several corrections to the approved budget. The errors primarily affected chargebacks and as a result, the General Fund would be better off. The Council had approved a supplemental request for \$90,000 for parking enforcement in the Customer Service budget (to fund license plate readers), but this figure was not included in the final budget spreadsheet. Councilor David Harding asked whether these errors would jeopardize any of the City's funds. John Borget, Administrative Services Director, explained that the errors were small compared to the overall \$200 million budget; the errors resulted from several mistakes in a very large and complex spreadsheet. Mr. Borget acknowledged that they always learn from their mistakes and in the future, new software would reduce the amount of spreadsheet work they are doing.

Councilor Gary Winterton asked about the controls in the City's finance system; he wondered how often they examine where money is actually being spent. He wanted to reassure the public that the City is on track and that the City officials are aware of funds are being spent. Mr. Borget explained that in setting up the new year budget in the system, they were verifying balances and during this process, identified and corrected the errors. *Presentation only. This item was scheduled for the Council Meeting on September 24, 2019.*

**5. A discussion regarding a proposed ordinance amendment to Provo City Code to reduce off-street requirements for multi-family developments if certain considerations are met. (19-092) (2:31:09)**

Robert Mills, Planner, presented. Mr. Mills explained that the current code did not permit parking reductions for any residential uses. This ordinance amendment would add provisions by which certain types of residential uses could apply for a reduction in required parking. Mr. Mills explained how a parking count justification study would be required from the applicant; similar to a traffic demand management program, the parking count justification study is based on contextual elements of the project, location, amenities, and other elements in their parking plan. If the applicant could adequately prove that based on certain criteria, they may qualify for a parking reduction, their proposal could be submitted to the Planning Commission for review as part of their project approval process. Councilors commented that enforcement would be critical.

Mr. Mills has worked with Carrie Walls, Zoning Administrator, to review the criteria to ensure that it contains enforceable elements. Ms. Walls was confident that the proposed measures were enforceable; past proposals such as requiring the owner to provide transit passes to tenants could discourage tenants from bringing a vehicle, but the City could not enforce this. Austin Taylor, Parking and Sustainability Coordinator, explained that the costs of providing parking are significant to developers and homebuyers. Structured parking costs about \$30,000 per stall and incorporating off-street parking adds nearly 20% to the housing price for affordable housing. Mr. Taylor shared details of several parking structures in the City who offer competitive rates and still have numerous vacant space. Mr. Taylor suggested that the current required parking was not too little and it could be even lower based on demand and what is being constructed now in the City.

Councilors shared comments regarding parking requirements in specific areas of the city. Several Councilors felt the burden of proof should be on the developer; if it is a warranted reduction in parking, the developer needed to outline their plans. Mr. Mills added that the measure would allow the City to ensure that over time, the parking reduction was still applicable and still justified.

**Motion:** George Handley moved to send the proposal to the Planning Commission for review.  
Seconded by David Knecht.

**Vote:** Approved 7:0.

## Policy Items Referred from the Planning Commission

6. **\*\*CONTINUED\*\* A discussion regarding an amendment to Provo City Code Section 14.34.295 to clarify architectural requirements in the Downtown Zones. Central Business District, Joaquin, Maeser, Franklin, and Timp Neighborhoods. (16-0005OA)**

7. **A discussion regarding a request for a Provo City Code amendment to Section 15.03.035 to add clarification to grading permits. City-wide application. (PLOTA20190275) ([2:50:17](#))**

Dustin Wright, Planner, presented. Mr. Wright shared background information on the details of the proposal, which would introduce additional requirements for grading projects involving cutting. Councilors shared comments and questions regarding the changes, including:

- Councilor Kay Van Buren said that for a five- or ten-lot development, a project plan was already required. He wondered how that would work given these requirements. Brian Jones, Council Attorney, noted that there may be some redundancy. He clarified that gravel mining operations prompted this change. These requirements would apply in any development large enough to require grading; it would simply not apply to the construction of a single-family home.
- Councilor David Harding was comfortable with Mr. Jones' interpretation but suggested that this question be clarified in the proposed language. Mr. Jones suggested adding "other than a permit related only to the development of a single detached one-family dwelling." Several Councilors expressed support for this change. Councilor David Sewell indicated that this is how he had initially envisioned the proposal being applied.
- Casey Serr, Engineer, explained that a subdivision application would require a grading permit if there would be excavation work. Mr. Serr noted that the changes would provide Public Works with the ability to enforce revegetation after grading work is completed.
- Mr. Jones noted one instance in the draft where the word "cubic" had been omitted.

**Motion:** George Stewart moved to substitute for the exhibit tonight the version that includes the word cubic and the proposed language "other than a permit related only to the development of a single detached one-family dwelling." Seconded by George Handley.

**Vote:** Approved 7:0.

8. **A discussion regarding an ordinance to amend Provo City Code to establish minimum bicycle parking standards. City-wide impact. (PLOTA20190217) ([3:05:08](#))**

Austin Taylor, Parking and Sustainability Coordinator, presented. He shared information from the Bicycle Master Plan, adopted in 2014, which recommended factors that would make it easier for city residents to get around without a car. Mr. Taylor highlighted projects like Startup Crossing and 63 East, where developers have built apartments hoping tenants will not drive as much. However,

the bicycle parking is either non-existent or not the kind of bicycle parking that people want to use.

Mr. Taylor noted that requiring bicycle parking was not an excessive burden; the costs are typically about \$50 per bicycle parking space, versus about \$6,000 per vehicle parking space in a surface lot of \$30,000 per parking space in a structured parking space. Mr. Taylor highlighted examples of poor bicycle parking design and explained the current lack of adequate facilities. The proposed changes to city code would require a certain quantity of bicycle parking and for the bicycle parking to follow design guidelines. The recommendations are supported by the General Plan and Bicycle Master Plan. Mr. Taylor highlighted the requirements of short- and long-term bicycle parking and shared examples of effective designs. The quantity of required bicycle parking would be determined similar to the way required vehicle parking is determined for multi-family and commercial projects. There were two levels, a general requirement (which would apply to any development and all zones) and a higher requirement (which would apply in cases where a developer applied for a vehicle parking reduction) with ratios recommended in the Bicycle Master Plan by the Association of Bicycle and Pedestrian Professionals.

Brian Jones, Council Attorney, noted that some of the language may need to be adjusted to match or take into account the related changes presented by Mr. Mills regarding off-street parking requirements in multi-family residential projects meeting certain conditions. Mr. Jones noted that the Council could continue the item per Council rules, as the hearing at the evening Council meeting would be a first reading. In response to a question from a Councilor regarding the proposal for Amanda Knight Hall and whether it would require bicycle parking, Mr. Jones indicated that it would depend on the potential notice of this item occurred before the owner submitted their application. Mr. Taylor noted that the owners of Amanda Knight Hall were already looking at many ways to reduce onsite parking demands. ***Presentation only. This item was scheduled for the Council Meeting on September 10, 2019.***

### **Closed Meeting**

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.

Brian Jones, Council Attorney, outlined the statutory basis for the closed meeting, which was to discuss the character and competency of an individual.

**Motion:** David Knecht moved to close the meeting. Seconded by Gary Winterton.

**Vote:** Approved 7:0.

### **Adjournment**

***Adjourned by unanimous consent.***