



PROVO MUNICIPAL COUNCIL

Regular Meeting Minutes

5:30 PM, Tuesday, September 24, 2019
Room 200, Municipal Council Chambers
351 W. Center Street, Provo, UT 84601

1 **Opening Ceremony ([0:00:00](#))**

2
3 **Roll Call**

4 THE FOLLOWING MEMBERS OF THE COUNCIL AND ADMINISTRATION WERE PRESENT:

5 Council Vice-Chair Vernon K. Van Buren, conducting
6 Council Chair David Harding, via electronic participation
7 Council Member David Sewell
8 Council Member George Handley
9 CAO Wayne Parker
10 Council Executive Director Cliff Strachan
11 Council Member David Knecht
12 Council Member George Stewart
13 Mayor Michelle Kaufusi
14 Council Attorney Brian Jones

15
16 *Excused:* Councilor Gary Winterton, Mayor Kaufusi speedy recovery

17
18 **Prayer** - Nolan Parkllan

19 **Pledge of Allegiance** - Jayna Parkllan

20
21 Councilor Kay Van Buren wanted to commend the quick efforts and service to the community of the
22 Provo Power Department following a major incident in the Grandview area. The Council wished to
23 express appreciation to the Power Department staff members who worked tirelessly to repair the
24 outage and restore power.

25
26 **Presentations, Proclamations, and Awards**

27
28 **1. A presentation of the Justice Court Annual Report. (19-097) ([0:03:09](#))**

29
30 Judge Vernon Rick Romney presented the annual report for the Justice Court. Judge Romney shared
31 results of their recent customer survey, reflecting high customer satisfaction. Judge Romney noted that
32 this documented customer satisfaction was especially positive, given the nature of many customers'
33 business at the Justice Court. Judge Romney clarified that the Justice Court Judge is not a justice of the
34 peace. Regarding the volume of cases, most related to traffic citations or violations. However, a much
35 larger amount of time was dedicated to a smaller number of criminal cases and other duties. Based on
36 the weighted case load, there were enough cases filed in the Justice Court to justify having 1.45 judges
37 to administer them. Judge Romney explained that the Justice Court was dedicated to the Rule of Law.

39 Judge Romney highlighted several programs which have introduced beneficial services to the Justice
40 Court, including the mental health program, domestic violence calendar, and related internship
41 programs. Judge Romney serves as the presiding judge of the 4th District Court Justice Court Board of
42 Judges, which provides a single point of contact for effective operation of justice courts within the
43 district. Judge Romney shared other details about his involvement in the local judicial system.
44

45 Utah Supreme Court Chief Justice Matthew Durrant stated of the Justice Court: "Our judges are careful
46 and thoughtful in resolving cases brought before them. Each day, in each courthouse, and in each
47 courtroom, judges work to interpret the laws enacted. The issues presented are wide-ranging and the
48 details are often complex. Arriving at a just result that honors the rule of law requires each judge to take
49 the time necessary to carefully weigh the merits of the matter, the arguments presented, and to ensure
50 that the law is fairly and consistently applied. For the rule of law to have meaning, the public must be
51 able to trust that the right outcome is reached. In this process, each party must have a voice and be
52 respectfully heard." Judge Romney thanked the Council for their support. Mr. Van Buren returned the
53 thanks for Judge Romney's service and the work of his staff in the Justice Court. **Presentation only.**
54

55 **Public Comment (0:18:35)**

56 Brian Jones, Council Attorney, read the public comment preamble. No individuals made comments.
57

58 **Action Agenda**

60 **2. A resolution appointing individuals to boards and commissions. (19-003) (0:20:05)**

61
62 **Motion:** An implied motion to adopt Resolution 2019-49, as currently constituted, has
63 been made by council rule.
64

65 Cliff Strachan, Council Executive Director, presented this item. Mr. Strachan reviewed the Mayor's
66 recommended appointments of Arturo Soza to the Civil Service Commission and Patricio Hernandez to
67 the Energy Board. These individuals have been invited to meet with the Council, but with 30 days having
68 passed, the Council can vote on the item. There were no public comments on the item and no Council
69 discussion on the item. Mr. Van Buren called for a vote on the implied motion.
70

71 **Vote:** The motion was approved 6:0 with Councilors Handley, Harding, Knecht, Sewell,
72 Stewart, and Van Buren in favor, and with Councilor Winterton excused.
73

74 **3. A resolution appropriating \$289,399 in various funds and transferring \$50,460 from the 75 General fund to correct elements of the FY19-20 budget and account for a position moving 76 from the Development Services Department to the Mayor's Office. (19-095) (0:22:37)**

77
78 **Motion:** An implied motion to adopt Resolution 2019-50, as currently constituted, has
79 been made by council rule.
80

81 David Mortensen, Budget Officer, presented. The majority of the details of this appropriation were
82 discussed at the Work Meeting on September 10, 2019. One addition was the move of a position from
83 Development Services to the Mayor's Office, which had a net zero impact to the General Fund budget.
84 Mr. Mortensen addressed an earlier question about the impact of this overall appropriation on the
85 General Fund. After further review of the errors, Mr. Mortensen indicated that there was an impact of

86 \$71,211 on the General Fund. Mr. Van Buren invited any further questions from Councilors. There were
87 no public comments or further Council discussion. Mr. Van Buren called for a vote on the implied motion.
88

89 **Vote:** The motion was approved 6:0 with Councilors Handley, Harding, Knecht, Sewell,
90 Stewart, and Van Buren in favor, and with Councilor Winterton excused.
91

92 **4. A resolution approving the sale of a ladder truck to the Nolensville Volunteer Fire**
93 **Department. (19-100) (0:25:20)**

94
95 **Motion:** An implied motion to adopt Resolution 2019-51, as currently constituted, has
96 been made by council rule.
97

98 Dan Follett, Finance Division Director, presented. During the Fire Department's routine process of
99 rotating and maintaining adequate equipment to meet the City's needs, they have identified a ladder
100 truck that is appropriate to move to the surplus property list. They have worked with a third party that
101 specializes in marketing fire equipment, which has a unique audience, and the vendor has identified a
102 buyer in Nolensville, Tennessee for the ladder truck. The Fire Department has requested to move the
103 vehicle to the surplus property list and for the Council to authorize the sale of the vehicle. Jeremy
104 Headman, Deputy Fire Chief, was present to answer questions. Mr. Van Buren invited public comments
105 and discussion from the Council. Seeing none, Mr. Van Buren invited a vote on the implied motion.
106

107 **Vote:** The motion was approved 6:0 with Councilors Handley, Harding, Knecht, Sewell,
108 Stewart, and Van Buren in favor, and with Councilor Winterton excused.
109

110 **5. A resolution approving an improvement agreement regarding construction of a road in**
111 **the Mountain Vista Business Center. (19-099) (0:28:01)**

112
113 **Motion:** An implied motion to adopt Resolution 2019-52, as currently constituted, has
114 been made by council rule.
115

116 Dixon Holmes, Assistant CAO, presented. Mr. Holmes outlined the history and background information
117 on the proposal and oriented the group to the location of this property. Hall Labs has proposed a
118 development in the southern-most section of the Mountain Vista Business Center, which would serve to
119 expand several businesses in the area and create additional jobs. The City has received a grant from the
120 federal Economic Development Administration (EDA) to construct the road, which required a matching
121 component from the City. The property was currently owned by the Redevelopment Agency, but the
122 City had received the grant to construct the road. Mr. Holmes explained that the Council has been asked
123 to authorize the Mayor to negotiate and execute the improvement agreement with Hall Labs and
124 Scannell properties. Brian Jones, Council Attorney, had previously outlined language which was still
125 being finalized, which was merely a legality and did not pertain to the terms of the improvements. Mr.
126 Jones shared the version of the resolution which was substituted during the Work Meeting, noting that
127 the implied motion already applied to that version of the resolution. Mr. Van Buren invited questions
128 from the Council and public comments on the item. Seeing none, Mr. Van Buren brought the item back
129 for Council discussion. Mr. Jones also clarified that during the Work Meeting, there had been some
130 confusion on the vote to substitute the resolution for the implied motion. Councilor George Stewart
131 asked that his vote in the work session reflect that he was in favor of the substituted resolution.
132

133 Councilor David Harding was concerned that the City has made some commitments before bringing this
134 item to the Council. In this situation, he had no concerns with this proposal, but he expressed concern
135 about the process in general. He thought it was risky to proceed with conversations and commitments
136 that the Council had not heard or supported. Mr. Harding expressed a desire for better coordination
137 between the RDA Executive Committee and the Council, to prevent problematic situations in the future.
138

139 Mr. Van Buren called for a vote on the implied motion.
140

141 **Vote:** The motion was approved 6:0 with Councilors Handley, Harding, Knecht, Sewell,
142 Stewart, and Van Buren in favor, and with Councilor Winterton excused.
143

144 **6. An ordinance amending Provo City Code to prohibit parking in bicycle lanes. (19-101)**
145 **[\(0:38:20\)](#)**
146

147 **Motion:** An implied motion to adopt Ordinance 2019-41, as currently constituted, has
148 been made by council rule.
149

150 Austin Taylor, Parking and Sustainability Coordinator, presented. During a recent restriping project,
151 residents had agreed to a change removing on-street parking, however, many cars continued to park in
152 designated bicycle lanes. The proposal would amend City code to explicitly prohibit parking in bike lanes.
153 Mr. Van Buren asked for clarification regarding what constitutes a bicycle lane versus a shoulder. Wayne
154 Parker, CAO, explained that a bike lane includes an icon marked on the pavement of a bicycle and the
155 City also places a sign once per vertical block to designate it as a bike lane. Absent the universal bicycle
156 symbol, a stripe on the side of the road is simply a shoulder and is intended for multiple uses.
157

158 Mr. Van Buren invited public comment on the item. Commenters and remarks included:

- 159 • Pam Jones, Provo resident and Edgemont Neighborhood Vice-chair, felt that this provision
160 would put burdens on individuals seeking on-street parking. She wanted an estimate of how
161 much of Provo’s roadways would be affected by this.
 - 162 ○ Mr. Taylor clarified that this would explicitly affect just one street; typically Public Works
163 has already placed “No Parking” signs where there were bicycle lanes.
 - 164 ○ Mr. Parker said the Bicycle Master Plan included information about current and planned
165 bike lanes. Mr. Parker also noted that areas of the City with newer infrastructure have
166 been outfitted with “complete streets,” which accommodate multiple uses and. He
167 noted that Edgemont and older areas of Provo did not have as many complete streets.
 - 168 ○ Mr. Van Buren noted that many areas have both bicycle lanes and on-street parking.
- 169 • Sharon Memmott, Provo resident, shared concerns about the 2230 North designation of bike
170 lanes. She worried that bike lanes may not be obviously painted or designated and felt that
171 educating the public would be important.
 - 172 ○ Mr. Parker clarified that Provo defines a bike lane as being stripes and having the universal
173 designation (a bike symbol on the pavement). If a lane is just striped, it is considered a
174 shoulder. The ordinance would simply make marked bike lanes no-parking areas.
- 175 • Jordan Heyman, Provo, supported the amendment; he felt it was an incremental step toward
176 legitimizing the presence of bike lanes in Provo City. There are about 30,000 students at BYU at
177 any given time, and he felt that normalizing the presence and legitimacy of bike lanes will go far to
178 improve the feeling of safety when using them. Creating and maintaining spaces which are
179 appropriate for bicycles was important to encourage bicycle usage. It eliminates confusion and
180 makes it a normal activity, rather than a signed exception.

- 181 • Stephen Ellis, Provo, was supportive of the ordinance. His only concern was having clear signage; he wondered whether signage was mandatory and felt it would be important to prevent drivers
182 from receiving unnecessary tickets.
- 183
- 184 • Marian Monnahan, Edgemont Neighborhood Chair, wondered why citywide impact was necessary
185 if the change would only affect one road.
 - 186 ○ Mr. Parker explained that there would be limited on-street parking on 500 West after the
187 UDOT project was complete. This was not a one-street problem looking for a solution;
188 rather, 2230 North was the impetus for addressing this issue, but the change would be
189 critical throughout the City as new bike lanes were installed.

190
191 Councilors discussed the proposed change and shared comments, including:

- 192 • Councilor David Knecht suggested that drivers would not park in a crosswalk [which would block
193 pedestrians], so he felt this change was a reasonable and appropriate extension—it made sense
194 to prohibit parking in bike lanes to prevent blocking cyclists from safe usage. He also thought he
195 recalled such a rule in the State exam for obtaining a driver’s license.
 - 196 ○ Mr. Strachan, with assistance from Hannah Salzl, Policy Analyst, confirmed that the Utah
197 Driver's Handbook for 2018-2019 states: "Motorists should...not park in a bicycle lane."
198 ○ Mr. Parker also noted that the City receives frequent parking complaints about drivers
199 who park in their driveway and overhang the sidewalk. This creates access issues for
200 people in wheelchairs, moms with strollers, and many other kinds of users. Where there
201 are designated mixed-mode areas, it was important to maintain access and navigability.
- 202 • Councilor George Handley said that as a bike commuter, he pays close attention to where bike
203 lanes are because he wants to be as safe as possible; these bike lanes provide greater safety and
204 come with the expectation that they will be safe to use. When there is a dedicated bike lane and
205 then there are cars in the way, it becomes even more dangerous for cyclists because they are
206 forced to swing out into traffic, which entirely defeats the purpose of the bike lane. He felt the
207 proposed change made sense to implement citywide, to the degree that City decides to stripe
208 something as a dedicated bike lane. He also suggested public education efforts to promote the
209 idea and to help residents and all transportation users to understand the reasoning.

210
211 Mr. Taylor explained that major roads where bike lanes could be confused with on-street parking had
212 designated “No Parking” signs. Although 2230 North does not yet have signage, City officials wanted to
213 be able to enforce parking and train users earlier. Bike lanes are narrower than parking spaces; bike
214 lanes are 3-4 feet wide, whereas car parking needs a minimum of 6-7 feet. Bike lanes are not adequate
215 for car parking, as drivers are opening car doors into traffic and increasing the likelihood that their car
216 could be side-swiped by passing vehicles. The City utilizes a universal symbol to make bike lanes, as
217 designated by a widely utilized national standard.

218
219 Mr. Van Buren invited further comments from the Council. He called for a vote on the implied motion.

220
221 **Vote:** The motion was approved 6:0 with Councilors Handley, Harding, Knecht, Sewell,
222 Stewart, and Van Buren in favor, and with Councilor Winterton excused.

223
224 **7. An ordinance amending Provo City Code to establish minimum bicycle parking**
225 **standards. City-wide impact. (PLOT20190217) (1:01:17)**

226
227 **Motion:** An implied motion to adopt Ordinance 2019-42, as currently constituted, has
228 been made by council rule.

229
230 Austin Taylor, Parking and Sustainability Coordinator, presented. The Bicycle Master Plan recommends
231 that the City adopt minimum bicycle parking standards, and this measure is supported by the General
232 Plan. Mr. Taylor highlighted several recent developments which were supposed to be more conducive to
233 not having a car, yet many of these same developments had substandard bicycle parking. Following a
234 concern expressed regarding the wording “multi-family housing,” Mr. Taylor worked with Mr. Jones to
235 clarify the language; the revision utilized terms also used in describing car parking minimums. Mr. Taylor
236 also noted a comment regarding the use of the word “permit,” which may be adjusted in future
237 proposed code amendments. Mr. Taylor had received comments from Councilor Gary Winterton
238 regarding the challenges associated with long-term parking that is gated and fenced. The new language
239 no longer requires that long-term bicycle parking be gated and fenced, however it is recommended.

240
241 Mr. Van Buren invited comments and questions from the council. Mr. Van Buren invited public
242 comment. Derrick Wilson, Provo, stated that he has at times been disinclined to patronize a business,
243 due to not knowing if his bike would be secure. There were no further comments or discussion.

244
245 **Vote:** The motion was approved 6:0 with Councilors Handley, Harding, Knecht, Sewell,
246 Stewart, and Van Buren in favor, and with Councilor Winterton excused.

247
248 **8. An ordinance amending the zone map classification of approximately one acre of real**
249 **property, generally located at 674 E 3230 N, from Residential Agriculture (RA) to One-**
250 **Family Residential (R1.10). Edgemont Neighborhood. (PLRZ20190175) (1:05:15)**

251
252 **Motion:** An implied motion to adopt Ordinance 2019-43, as currently constituted, has
253 been made by council rule.

254
255 Dustin Wright, planner, presented. Mr. Wright outlined considerations of the proposed zone change,
256 noting that it was consistent with the General Plan designation for residential use. The applicant has
257 addressed concerns with Fire Department access and the driveway has been moved in favor of a shared,
258 paved driveway with shared access for the two lots. The neighboring RA lots would remain zoned as
259 such, as the applicant’s proposal would apply only to their property.

260
261 Cortney Huber, applicant, presented additional details about the project. She currently resides in the
262 Edgemont Neighborhood, where she was raised and where her parents have lived for 30 years. They
263 have purchased this home together. They love living in Edgemont, but as her parents age, they have
264 reconsidered their housing needs—main/one-level living opportunities in Edgemont are rare. Her
265 parents want to build a home that can allow them to remain in the neighborhood where they have
266 spent much of their lives. Dividing the property in two would still create two large lots that would be
267 burdensome for an aging couple to maintain; subdividing into three lots instead of two would create an
268 additional opportunity for a family to enter an existing neighborhood. This was consistent with Provo's
269 primary housing goals and adds to the housing inventory of the City in a way that is vibrant, healthy, and
270 stable. Rezoning and dividing this property was a method of infill that invites responsible reinvestment
271 in an existing neighborhood and would optimize housing opportunities by using existing land in a more
272 efficient way. Ms. Huber outlined several General Plan goals which were supported by the proposal.

273
274 Further, Ms. Huber suggested the proposal would complement, rather than change, the existing
275 neighborhood. The vast majority of homes in this neighborhood were zoned R1.10, with 75% of the
276 homes near this property being R1.10. Six homes either immediately adjacent or across from this

277 property had lot sizes of .25 acres or smaller; there were many properties in the zone which were non-
278 conforming. She felt their proposal was a reasonable request to align their property with the vast
279 majority of neighboring properties zoned as R1.10. Even after subdividing the property in question into
280 three parcels, the lots would still be larger than about 60% of the neighboring lots.

281
282 Mr. Van Buren invited comments from the Edgemont Neighborhood Chair, Marian Monnahan. Ms.
283 Monnahan said that there had been a lot of opposition after the initial presentation in a neighborhood
284 meeting. The applicant continued to discuss the proposal with neighborhood residents and by the time
285 of the Planning Commission hearing, there was no opposition except for the letter from Lynn and Dennis
286 Chapman. She felt the applicant’s proposal was consistent with the General Plan.

287
288 Individuals in attendance at the meeting shared public comments on the item, including:

- 289 • Lana Bailey, Provo, resides in Edgemont and supports this plan. She wants a vibrant neighborhood
290 where residents can find desirable and affordable housing. It is difficult to do in Edgemont and she
291 did not want it to become an elitist place; she hoped young families and older residents alike
292 would invest in the neighborhood. She didn’t know why neighbors would not support the plan.
- 293 • Sharon Memmott, Provo, said she did not see the Chapmans’ letter or the applicant’s response
294 reflected in the meeting materials. She continued to have concerns about the driveway and if it
295 would be used as parking. She also wanted to see on the plans the emergency turnaround.
 - 296 ○ Mr. Wright illustrated where the hammerhead turnaround would be located; he
297 explained that it was on the subdivision plat that the applicant has submitted. He
298 clarified that there should not be parking along the flagpole portion of the property.

299
300 Councilors shared additional comments, including:

- 301 • Councilor David Knecht commented on the efficiency of a shared driveway, which would allow for
302 the utility lines to be consolidated. Mr. Parker noted that any utilities running down the driveway
303 would be private lateral lines; the City would not do maintenance work in the driveway area.
- 304 • Mr. Strachan clarified that the Chapmans’ letter was published in the packet last Thursday. The
305 documents were republished the day of the meeting to include Ms. Huber’s response.
- 306 • Councilor David Sewell congratulated the applicant her well-presented, well-researched case. He
307 noted her inclusion of General Plan elements, statistics, and extensive communication with the
308 neighbors. He felt her proposal was reasonable and consistent with the area and he was hard-
309 pressed to think of a reason why the Council wouldn't approve it.

310
311 Mr. Van Buren asked whether any Councilor would like to continue the item for a second hearing.
312 Seeing none, Mr. Van Buren called for a vote on the implied motion.

313
314 **Vote:** The motion was approved 6:0 with Councilors Handley, Harding, Knecht, Sewell,
315 Stewart, and Van Buren in favor, and with Councilor Winterton excused.

316
317 **9. An ordinance to amend the Consolidated Fee Schedule and to ratify corrections to**
318 **Provo City Code Title 10. (19-071) (1:21:58)**

319
320 **Motion:** An implied motion to adopt Ordinance 2019-44, as currently constituted, has
321 been made by council rule.

322
323 Brian Jones, Council Attorney, presented. This ordinance was meant to clean-up several corrections in
324 the City code. During manual data-entry of the stormwater impact fees, an error was made for one fee.

325 Mr. Jones shared the correct amount, which was included in the Impact Fee study. The ordinance
326 amends the consolidated fee schedule to reflect the correct amount of \$8,262.93. The other elements of
327 the ordinance included minor edits to correct and clarify language in Title 10. The changes have already
328 been implemented in the online City Code and the changes have been brought to the Council for
329 ratification, to make those changes official. Mr. Van Buren invited public comment and discussion from
330 the Council. Seeing none, he called for a vote on the implied motion.

331
332 **Vote:** The motion was approved 6:0 with Councilors Handley, Harding, Knecht, Sewell,
333 Stewart, and Van Buren in favor, and with Councilor Winterton excused.

334
335 **10. ***CONTINUED*** Silverado Management (Dave Hunter) requests a General Plan**
336 **amendment from Commercial (C) to Residential (R) for property at 1900 N Canyon Rd**
337 **for a 120-unit apt building for married/student housing. Pleasant View Neighborhood.**
338 **(PLGPA20190251)**

339
340 **11. ***CONTINUED*** Silverado Management (Dave Hunter) requests a Zone Change**
341 **from Public Facilities (PF) to Campus Mixed Use (CMU) for approximately 1.34 acres,**
342 **located at 1900 N Canyon Road. Pleasant View Neighborhood. (PLRZ20190227)**

343
344 **12. ***CONTINUED*** The Housing Committee of Provo City requests amendments to**
345 **Section 14.37.050 to allow for reductions in required parking for residential uses**
346 **subject to Planning Commission approval. City-wide application. (PLOTA20190289)**

347
348 **13. ***CONTINUED*** The Provo City Community Development Department requests**
349 **amendments to Section 14.34.295 Downtown Development Design Standards to**
350 **clarify architectural requirements in the Downtown Zones. (16-0005OA)**

351
352 **Adjournment**

353 Adjourned by unanimous consent.