



**PROVO MUNICIPAL COUNCIL
Redevelopment Agency of Provo
Regular Meeting Minutes**

5:30 PM, Tuesday, May 07, 2019
Room 200, Municipal Council Chambers
351 W. Center Street, Provo, UT 84601

Roll Call

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
Council Executive Director Cliff Strachan	Wayne Parker, Chief Administrative Officer
Council Attorney Brian Jones	

Conducting: Council Chair David Harding

Prayer	Clifford Strachan
Pledge of Allegiance	Brian Jones

Presentations, Proclamations, and Awards

A presentation of the FY 2019-2020 Tentative Provo City Budget (19-004) ([0:04:37](#))

Mayor Kaufusi introduced the Provo City Budget for fiscal year 2020. She read the following letter to the Council:

Dear Members of the Provo Municipal Council,

First, I want to thank you for your work so far on another successful budget cycle. I think the approach we have implemented together is working well, having each of our directors come and present to you early on and then taking your questions and concerns into account as we prepare the budget. Thank you for the spirit of cooperation and open communication you have helped foster.

Thanks also go out to our incredible budget team, including Dustin Grabau, our Budget Officer and Chief Accountant, who is here on his last day before embarking on a great new opportunity. Mr. Grabau, you will be missed.

I'm pleased that this year's budget delivers on your highest priorities.

Your number-one priority was police staffing. I'm pleased to announce that through some great cost-savings work by our police department, and through our own prioritization efforts, we are making a dramatic difference in police staffing. Not only are we adding a dispatch director and

an IT staff member to help with public safety, but we are also adding 7 police officers and a Deputy Chief of Police approved in April. Our police department has never been better staffed than it will be this next year.

You also prioritized parking, and I'm pleased that we will be adding one parking enforcement officer and two automated license-plate readers, to help with parking enforcement. At least as importantly, we are providing for the signage and way-finding needs recommended by our parking and sustainability coordinator, Austin Taylor.

There are two other budget items I want to mention.

First, I am proud to announce that Provo City is instituting a parental leave program for city employees that will allow a mother who has given birth 160 hours of paid leave. Other new parents will be provided 40 hours of paid leave. This new benefit sends the right signal to parents. It says we support families and family time, as our employees welcome bundles of joy to their homes.

Second, and on a heavier note, we are doing something that ties into the terrible loss we suffered in January when Master Officer Joseph Shinnars who was killed in the line of duty. Provo City Adopted Budget 2019-2020 6 Officer Shinnars was a good man. He died in the act of helping and protecting others. His heroism caused all of us to reflect on the important work that our first responders are engaged in on a daily and hourly basis.

In this budget, I made it a point to increase by \$100,000 the amount that is issued to the family of a firefighter or police officer who loses their life in the line of duty. I am well aware that no budget item will ever significantly alter the horrible realities that face our first responders and their families. But this gesture is offered as a token of my respect for each of them.

Chair Harding thanked Mayor Kaufusi for her cooperative efforts. He was grateful for the teamwork and was pleased with the results.

John Borget, Administrative Services Director, presented the budget highlights. Mr. Borget thanked Dustin Grabau, Budget Officer, and Kelsey Zarbock, Budget Analyst, for their hard work preparing the budget. He also thanked Council for their guidance and said it had been a cooperative process.

He highlighted the following pages included in the budget report, which is available [online](#) or in the City Recorder's Office.

- Utility rate increases were based upon a five-year plan presented five years ago and were based upon needed infrastructure. Provo continued to remain competitive with other cities. (Page 32)
- Funded personnel costs included market adjustments, merit increases (2.5 percent), career series advancements, health insurance cost increases (4.5 percent), etc. Not too long ago we were experiencing double-digit increases for insurance. Each August/September the health insurance costs are evaluated and, if the rate increased more than 4.5 percent, the employees would absorb the additional cost. (Page 33)

- A new upfront leave program was added. The program was net neutral and allowed new employees to take leaves immediately. At the end of the year, their leave would be adjusted to reflect actual accruals. (Page 33)
- There were 42 supplemental requests submitted for a total of \$4.7 million. We funded a little more than \$2 million in FY 2020 and \$280,000 in FY 2019. (Page 33)
- Seven new officers were funded in the police department. A civilian dispatch manager would be hired to oversee dispatch. This would free up a police lieutenant for reassignment in the police department. (Page 33)
- Three positions were added in Information Services. A public safety systems analyst and a systems analyst were created to help maintain and expand communications technology. An information security analyst would also be added to focus on management of a defensive security infrastructure. (Page 34)
- Funding for the new director of Development Services was included in the proposed budget. (Page 34)
- With the upcoming retirement of two key employees in Wastewater, funding was provided to hire replacement employees in order to begin the knowledge transfer immediately. (Page 34)
- For the past five years, \$413,646 in funding was provided and set aside for unexpected equipment and system replacements at the Provo City Recreation Center (Page 35). A similar fund was set up for the different facilities within the General Fund. Funds continue to accumulate if not used.

Mr. Winterton asked if potential changes at the airport and with BYU police had been addressed. Mr. Borget replied that a significant amount of money had been included for the new airport terminal. The funding sources included state and federal government funds. As for the police department, the addition of a new deputy chief and seven new officer positions was a step in the right direction in addressing the changes.

In response to a question from Chair Harding, Mr. Grabau reported there were no supplemental funds included for zoning compliance. Due to the creation of a new department, a more comprehensive report evaluating the progress of zoning enforcement would be provided in the future before additional funds were budgeted.

Mr. Borget said the entire budget document and highlights section would be available [online](https://provo.org/departments/finance/financial-reports) on the provo.org/departments/finance/financial-reports website.

Public Comment ([0:30:20](#))

Kendall Clark, Provo, reported a block of cement that protruded in the road about 1 ½ feet by the Provo City Center Temple and the post office. It could be dangerous, especially at night. Provo City staff told him that it was placed there to avoid having people drive the wrong way on the roundabout.

Clara Friedman, Provo, thanked the council for the providing the deer program, especially the harvesting program. It took too long and too many people to relocate the deer to the mountains. She asked the council to continue providing the service.

Pam Jones, Provo, stated that the proposed development (high-density housing) near the FrontRunner station caused her stress and fear. She encouraged the council not to feel obligated to approve every zone change request to provide that type of development. She did not want to see Provo become like Salt Lake City or New York City. She recently had a problem with the Parks & Recreation newsletter and, when she tried calling, had a hard time getting employees to answer the phone. She spoke with Mr. Henderson (Parks & Recreation director) and he took the time to find the specific information she was looking for.

Ben Summerholder, Provo, thanked the city for offering the Provology 101 class. It was an amazing program and a big eye opener. He appreciated the opportunity to speak with individuals from various departments. He wished more people would participate and stay through the entire course. Mr. Knecht said it would be interesting to make this course a requirement for all candidates running for city offices.

Caitlyn Gramaho, Provo, asked to see the data for the budget. Chair Harding replied that it would be published on the Provo City website the next day.

Approval of Minutes – March 5, 2019

The March 5, 2019 council meeting minutes were approved by unanimous consent.

Action Agenda

1. Resolution 2019-22 approving two amended Interlocal Agreements between Provo City and Utah County regarding the funding of the Lakeview Parkway. (19-051) ([0:42:50](#))

Motion: An implied motion to approve Resolution 2019-22, as currently constituted, has been made by council rule.

David Graves, Public Works Division Director – Engineering, presented. Over the past few years, the city had been building different sections of Lakeview Parkway. A major portion of the funding came through the county sales tax appropriated through the Mountainland Association of Governments (MAG). They automatically set aside a 10 percent contingency fund for each project. Due to increased property expenses, we have asked MAG and the County for money from the contingency budget to fund the increased costs of the following sections of Lakeview Parkway.

- Center Street to the entrance to the Provo Airport - \$660,000;
- 620 North to Provo High School - \$145,000

Utah County has authorized use of the contingency funds and sent a modified cooperation agreement to be signed by Mayor Kaufusi. He asked the council to authorize signing the agreement, which was an extension of the original project funding agreement.

Chair Harding opened public comment. There was no response so he called for a vote on the implied motion.

Vote: The motion was approved 7:0 with Councilors Handley, Harding, Knecht, Sewell, Stewart, Van Buren and Winterton in favor.

2. A public hearing regarding a resolution approving the Program Year 2019 Annual Action Plan, Fifth Year update to the 2015 Five-Year Consolidated Plan, as amended. (19-059) (0:47:21)

Dan Gonzalez, Redevelopment Agency Management Analyst, presented. This was the first of two public hearings concerning the fifth update to the 2015 Five-Year Consolidated Plan, as amended. A public comment period began April 29, 2019 and would continue through June 4, 2019. The Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) programs allow the city to provide a wide range of community development activities directed toward neighborhood revitalization, home ownership, and conditions of housing stock. Provo City, as the lead entity for the Utah Valley Home Consortium, submits an annual action plan outlining the goals, objectives, and proposed uses of these funds. The document included the following total budgets for each fund:

- CDBG – Annual allocation of \$1,255,621, program income of \$255,230, and \$38,495 in remaining funds from finished projects for a total of \$1,547,346.
- HOME – Annual allocation of \$1,296,068 and program income of \$566,329 for a total of \$1,862,397.

Mr. Gonzalez reviewed the proposed awards for CDBG (51:11) and HOME (1:13) for the council. The awards were representative of a single application that went to three agencies (Provo, Orem, and Utah County). The intent was to avoid duplicate paperwork.

In response to a question from Mr. Knecht, Mr. Gonzalez replied that each agency held their process separately. They did not know, until after the fact, that some of the applicants had been awarded more than their original request. He noted it was within the council's purview to reallocate if they desired.

Mr. Gonzalez reported an increase in the down payment assistance program to \$40,000 or 20 percent of the purchase price. The rest of the requirements remained the same. Families would not automatically receive 20 percent or \$40,000. Funding would be administered based upon set criteria. One benefit to an increased down payment was to avoid private mortgage insurance (PMI). The maximum purchase price was now \$337,250.

The Emergency Repair HOME Program was changed to increase the grant amount up to \$7,000. In addition to the grant, we are offering loans of up to \$15,000. The loans are zero percent-deferred interest.

Karen McCandless, Chair of the CDBG Advisory Committee, was invited to comment. She stated they considered whether fully funding requests would help to complete projects. They were excited about the adaptive playground and other projects.

Chair Harding opened the public hearing.

Ms. McCandless, Executive Director of Community Action Services and Food Bank, expressed appreciation for the work that Mr. Gonzalez and the Public Service Committee did in reviewing the applications. She also appreciated the funding awarded to Community Action. She explained that, although certain organizations received more money than requested, the funds received from each

entity (Provo, Orem, Lehi, and Utah County) went to their respective residents and served different purposes.

There were no more comments.

Chair Harding closed the public hearing. Since this was the first hearing, there was no action taken.

3. Resolution 2019-23 authorizing the Mayor to submit an application for a Utah County Municipal Recreation Grant to be used for Lakewood Park Playground. (19-053) ([1:23:47](#))

Motion: An implied motion to approve Resolution 2019-23, as currently constituted, has been made by council rule.

Doug Robins, Parks & Recreation Assistant Director, presented. Each year the city received a Utah County Municipal Recreation Grant to be used by the city for projects not currently funded. This year, Provo City would receive \$58,757.07 to be used to provide safety enhancements at the Lakewood Park. The park was built in 1997 and needed to be upgraded to meet national safety guidelines. The new equipment would be purchased and installed between summer and fall of the current year (2019).

If the community was concerned about a park in their neighborhood, they could contact Parks to schedule a review. If necessary, it would be placed on a priority list for upgrades. Department certified inspectors completed monthly inspections of each park. He was not sure if the Provo School District performed monthly inspections on their parks.

Chair Harding invited public comment.

Becky Bogdin, Lakewood Neighborhood Chair, was excited about the upgrades. There were serious safety concerns because it was located under high voltage power lines and close to increased traffic on 500 North. Moving the equipment further south in the park, away from the road, would help increase the safety in the park.

There were no more public comments.

Chair Harding called for a vote on the implied motion.

Vote: The motion was approved 7:0 with Councilors Handley, Harding, Knecht, Sewell, Stewart, Van Buren and Winterton in favor.

4. Ordinance 2019-20 amending Provo City Code to update and revise the drawing details and street cross-sections. City-wide application. (PLOT20190136) ([1:32:30](#))

Motion: An implied motion to adopt Ordinance 2019-20, as currently constituted, has been made by council rule.

David Day, Development Engineering Coordinator, presented. This update to the drawing details and street cross-sections had been evolving over the past six months. The Planning Commission and the Transportation and Mobility Advisory Committee (TMAC) had seen the presentation. The drawings have

been adjusted per their recommendations. The previous standards had been in place for about 20 years.

In response to Mr. Knecht, Mr. Day stated that there was flexibility built into the various street options, including streets with parking on one side only and streets that could function as one-way streets. Parking on one side only would be considered if a developer opted to pay for the signage.

Chair Harding invited public comment.

Gage Eckles, Provo Fire Fighters Union President, stated that their 105-foot ladder trucks required a width of 16 feet to stabilize the vehicle. If a car or truck were parked on a 24-foot road, they would not be able to stabilize the fire engine.

There were no more comments.

In response to a question from Mr. Winterton, Mr. Day stated that the fire department reviewed the drawings and felt comfortable with the width. He was not sure, but thought the official fire lane width was 20 feet with larger apparatus requiring 26 feet.

Chair Harding called for a vote on the implied motion.

Vote: The motion was approved 7:0 with Councilors Handley, Harding, Knecht, Sewell, Stewart, Van Buren and Winterton in favor.

5. An ordinance amending the Zone Map Classification of approximately 1.92 acres of real property, generally located at 442 and 490 South State Street from General Commercial (CG) to High Density Residential (HDR). Maeser Neighborhood. (17-0010R) ([1:46:17](#))

Dustin Wright, Provo City Planner, presented. This application came before the council last year. At that time, they were asking for two four-story buildings at this location. The decision was to continue the item and allow the applicant time to work with the neighborhood to mitigate concerns over building heights and adjacency to the residential neighborhood. The ownership had changed hands and the new owner met with the residents of the neighborhood. The following changes were made to the proposal:

- The building closest to the residential area was reduced to three stories.
- The second building would remain at four stories.
- One of two access points would be on State Street instead of both on 500 South. Engineering worked with them to provide a better access angle and help improve the safety.
- A two-story, four-unit townhome was added to help screen the parking lot from the neighbors.

The Planning Commission approved the new plan contingent upon council approval of the rezone. The proposed HDR zone allowed a higher building height so the developer offered a development agreement that would restrict the height. The development agreement would also limit the number of units in the development to 60. The development agreement would be recorded on the property.

In response to questions from councilors, Mr. Wright provided the following responses:

- The units would be two-story with garage space on the first level. Access to the home would be from the backside parking lot.
- Even though it was titled Provo Married Housing, the development would be family housing.

- The HDR zone allowed less open green space. Developments with more than 20 units were required to provide ten percent of amenity space. The proposed development met that requirement.
- The MDR zone allowed 30 units per acre with the HDR allowing 50 units per acre. The development agreement would limit the development to 60 units. With 1.92 acres, the density would be 32 unit per acre, slightly above the MDR zone.
- The first level of the development was ADA compliant. He was not aware if there was a percentage of units that should be ADA compliant or required an elevator. Without an elevator, it would limit who could live on the third or fourth floor.

Bart Coon, representing the developer, was invited to present. Even though they asked for the HDR zone, everything was designed to meet MDR standards with two exceptions. The HDR zone allowed 50 units per acre while the MDR zone allowed for 30 units per acre. With 31.25 units per acre, they needed the HDR zone. The second exception was the height of the buildings. The northern building was reduced to three stories while the building fronting State Street remained four stories. He pointed out that the four-story building, at 44 feet in height, was still within the MDR standard, which allowed for 45 feet. The development originally showed two access points on 500 South, which was a concern expressed by the neighborhood. The developer worked with UDOT to allow one of those accesses to be from State Street. The development was a good fit and created a buffer that visually hid the parking lot.

Mr. Jones presented the proposed development agreement to the council. The draft indicated that the developer would voluntarily agree to limit the development to 60 total units with one three-story building on the north side, four two-story units on the south side, and one four-story building on the east side that would not exceed 44 feet in height. Mr. Coon confirmed they were voluntarily entering in the development agreement.

In response to a question from Mr. Knecht, Mr. Coon said they lost property on one side due to the new road alignment. That created excess property on the other side, which was being offered to the business adjacent to the property.

Mr. Knecht explained that the council was considering legislating inclusionary zoning in the future. That meant that ten percent of the project would be affordable housing (meaning someone with 80 percent AMI could afford to live in the development). He asked Mr. Coon how they would have addressed this. As a builder, Mr. Coon stated it would have been easy to incorporate inclusionary zoning on a project like this. There were other projects, depending on the scale and end product, where it might be more challenging. Other municipalities had offered a fee-in-lieu option for this type of zoning. The paid fee would be contributed to a fund promoting affordable housing.

Chair Harding invited Martha Rasmussen, Maeser Neighborhood Vice-Chair, to comment. They appreciated the developer working with them. The neighborhood originally wanted a two-story, family oriented development. They offered three stories as a compromise but now it appeared to be a starting point for the compromises. Three stories fit better in their neighborhood than four stories. They appreciated the entrance on State Street and the buffer on 500 West, but still wanted the development capped at three stories. She reported that some people were reluctantly happy with the State Street exit. Other residents were still concerned about the four-story proposal, which was one of the top two concerns with the original development.

Chair Harding asked if there had been a recent neighborhood meeting concerning the new proposal. How were the people against four stories represented? Ms. Rasmussen stated that almost everyone in attendance at the meeting had this concern. She did not know what percentage of the neighborhood was represented.

Mr. Winterton noted that a single family home in Provo could be up to 35 feet tall. The proposed development was only nine feet taller than a single family home. Ms. Rasmussen displayed a graphic, which showed the residential home next to the three-story building. While this was a compromise they appreciated, the neighborhood still wanted a two-story cap.

Chair Harding noted that the neighborhood had requested a variety of housing in order to attract long-term families. He felt the two-story townhome above the garage would accomplish that purpose. She stated that all the apartments were built on a two-bedroom model. The difference was in the interior units, the second room did not have windows so it could not be a bedroom. In addition, there was not enough parking to market them as two-bedroom apartments.

Chair Harding invited public comment. There was no response.

In response to a question from Mr. Van Buren, Mr. Coon stated the target demographic was married college students and young professionals. The town homes were just under 1,000 square feet. He noted that the home to the north of the development was in a commercial zone and would eventually be removed.

Mr. Sewell felt the neighborhood did a good job of negotiating. There were competing interests and balancing this issue was difficult. He received many more emails the last time this was presented. This time he had received very few emails. Regarding height, there was not a lot of difference between the proposed development and what would be allowed in a single-family zone.

Mr. Stewart stated he would vote against the project because it was too dense and did not fit the neighborhood.

Mr. Jones indicated that the implied motion would only approve the zone change. If they wanted to accept the proffered development agreement, they could substitute the ordinance on the screen. Since this was the first hearing, council rule would allow the item to automatically continue if they did not vote on the item at that time.

Mr. Sewell requested a second hearing on that basis. Councilors agreed that continuing the item for two weeks would allow the neighborhood time to review the proposed development agreement and give further input.

Chair Harding stated that, per council rule, this item would be continued to the May 21, 2019 meeting.

6. Resolution 2019-24 requesting a Certificate of Registration (COR) from the Utah Division of Wildlife Resources. (19-054) ([2:34:11](#))

Motion: An implied motion to approve Resolution 2019-24, as currently constituted, has been made by council rule.

Brian Jones, Council Attorney, presented. The proposed action would allow the deer-harvesting program to begin a new cycle by requesting a Certificate of Registration from the Division of Wildlife Resources (DWR). The DWR has authorized the trap and euthanize program.

In response to a question from councilors, Wayne Parker, Provo City CAO, thought there was a \$5,000 to \$10,000 placeholder in the proposed FY 2020 budget. The plan was to remove the trap and relocate portion of the program in order to cut the costs. There needed to be some discussion about how to fund the program. Mr. Hundley noted that the DWR no longer allowed trap and relocate.

Chair Harding invited public comment.

Eugene Friedman, Indian Hills, had four acres he shared with a herd of deer. A group of 75 to 80 neighbors met last year to discuss the deer program. One person said the deer were there first but most of the neighborhood was in favor of a thinning program. They have had traps on his property to catch and release in the mountains. However, over several weeks there was only one deer caught so the money was better spent on thinning the herds. Mr. Cook was good to work with and well prepared. They were humane and the meat was given to the poor.

There were no further comments.

Mr. Handley was in favor of continuing the program but felt there should be public education about what the program could and could not do. We live near the mountains. All kind of animals come down into the neighborhoods so it was necessary to interface with the mountains. There was a difference between urban deer and mountain deer and they were regulated by different policies. It was not possible or reasonable to get rid of the problem entirely.

Chair Harding called for a vote on the implied motion.

Vote: The motion was approved 7:0 with Councilors Handley, Harding, Knecht, Sewell, Stewart, Van Buren and Winterton in favor.

7. Ordinance 2019-21 amending the Zone Map Classification of approximately 3.7 acres of real property, generally located between 500 S. to 600 S. and from 100 W. to University Ave. from ITOD to Mill Race PRO Zone. Downtown Neighborhood. (PLR220190047) ([2:51:35](#))

Motion: An implied motion to adopt Ordinance 2019-21, as currently constituted, has been made by council rule.

Aaron Ardmore, Provo City Planner, presented. He stated the item was discussed two weeks ago. The zone was adopted but not placed on the map due to concern with building height. The zone did not illustrate that the increased building height would only be along University Avenue. The developer offered a development agreement that satisfied the concerns brought forward. The applicant brought forward the first phase of project plan approvals.

Chair Harding invited Justin Earl, the applicant, to address the council. Mr. Earl said the development agreement had been proffered and he was ready to sign the agreement. Section 4 of the final version of the agreement addressed several points:

- 4a – Building height of buildings not along University Avenue were limited to 100 feet in height or six stories, whichever was shorter.
- 4b – talked about future ground floor commercial and committed to building ceiling heights of 12 feet along 100 West.
- 4c – Provided ten years for the final phase to be started and could be extended for up to 24 months based on a request for the city’s consent.
- 4d – talked about the pedestrian bridge that included a perpetual easement for the landing spot of the bridge.
- 4e – Addressed the intent to sell condominiums, and how the developer would demonstrate that intent.
- 4f – The developer would be permitted to improve land owned by the city if the University Avenue bridge was reconstructed and/or widened.

Chair Harding invited public comment.

Tom Taylor, Provo, spoke on behalf of the people on the Startup Block. He was happy with the development agreement and said it had been joyful working with the developer.

There were no more public comments.

Councilors appreciated the developer’s willingness to work with the neighbors and said he was pleasant and well prepared.

Mr. Sewell said he was in favor of the rezone but preferred to vote in two weeks in order to follow proper noticing requirements. Mr. Jones replied that this was the second hearing and anyone that saw the notice two weeks ago would have known about this item.

In response to councilor comments, Mr. Earl said they had met with, and presented the project to, the Franklin Neighborhood, the Downtown Business Alliance, and the Maeser Neighborhood. There was no opposition and everyone was optimistic about moving forward.

Chair Harding called for a vote on the implied motion.

Vote: The motion was approved 7:0 with Councilors Handley, Harding, Knecht, Sewell, Stewart, Van Buren and Winterton in favor.

8. *****CONTINUED*** Todd Sinks request a Zone Change from Regional Shopping (SC3) to Health Care Facilities Zone (HCF) for 22.12 acres, and to Campus Mixed Use for 8.94 acres, located at 178 E 1860 S. East Bay neighborhood. PLRZ20180321**
9. *****CONTINUED*** Community Development Department requests Ordinance Text Amendments to consolidate Chapter 14.30 S-Supplementary Residential Overlay Zone with Chapter 14.46 A-Accessory Apartment Overlay Zone. City-wide application. PLOTA20190120**

Adjourn

The meeting was adjourned at 8:37 p.m. by unanimous consent.