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PROVO MUNICIPAL COUNCIL

Redevelopment Agency of Provo

Regular Meeting Minutes

5:30 PM, Tuesday, March 10, 2020

Electronic Meeting

<https://www.youtube.com/user/provocitycouncil>

Roll Call

THE FOLLOWING MEMBERS OF THE COUNCIL AND ADMINISTRATION WERE PRESENT:

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| Councilor Shannon Ellsworth | Councilor Bill Fillmore |
| Councilor George Handley | Councilor David Harding |
| Councilor Travis Hoban | Councilor David Sewell |
| Councilor David Shipley | Mayor Michelle Kaufusi |
| Chief Administrative Officer Wayne Parker | Council Attorney Brian Jones |
| Council Executive Director Cliff Strachan | |

Conducting: Council Chair George Handley

Prayer – Susan Robinson

Pledge of Allegiance – Emily Southwick

Public Comment ([0:15:53](#))

Doug Gale, Provo, thanked the council and mayor for their research and efforts on the brew pub issue. As a council, they do their best to vote for those principles they think will help our city. He wanted to go on record saying thank you for your votes for and against the issue. There will be many more issues like this in the future.

Redevelopment Agency of Provo

The Municipal Council recessed and reconvened as the Redevelopment Agency Board

Consent Agenda ([0:19:04](#))

1. **Resolution 2020-RDA-03-10-1 authorizing the Redevelopment Agency of Provo City to enter into an interlocal agreement with Provo School District for the Provo Medical School Community Reinvestment Project Area. (20-056)**
2. **Resolution 2020-RDA-03-10-2 authorizing the Redevelopment Agency Of Provo City to enter into an interlocal agreement with Central Utah Water Conservancy District for The Provo Medical School Community Reinvestment Project Area. (20-055)**

3. **Resolution 2020-RDA-03-10-3 authorizing the Redevelopment Agency of Provo City to enter into an interlocal agreement with Provo City for The Provo Medical School Community Reinvestment Project Area. (20-051)**
4. **Resolution 2020-RDA-03-10-4 authorizing the Redevelopment Agency of Provo City to enter into an interlocal agreement with Utah County for The Provo Medical School Community Reinvestment Project Area. (20-054)**

Motion: An implied motion to adopt all items on the consent agenda, as currently constituted, has been made by council rule.

Chair Sewell stated that items on the consent agenda were non-controversial and did not require a public hearing. He invited David Walter, Redevelopment Agency Director, to give a brief overview of the items.

Mr. Walter said the items on the consent agenda were interlocal agreements between the Redevelopment Agency (RDA) and the local taxing entities (Provo City, Provo School District, Utah County, and the Central Utah Water Conservancy District). These agreements would allow the RDA to capture a portion of the increased tax generated by the Provo Medical School Community Reinvestment Project Area to help pay for enhancements at the golf course.

Redevelopment Agency Chair Sewell called for a vote on the implied motion.

Vote: The motion was approved 7:0 with Councilors Ellsworth, Fillmore, Handley, Harding, Hoban, Sewell and Shipley in favor.

Action Agenda

5. **Resolution 2020-RDA-03-10-5 of the Redevelopment Agency of Provo City Approving adopting the Project Area Plan for The Mix Community Reinvestment Project Area. (0:23:10)**

Motion: An implied motion to approve Resolution 2020-RDA-03-10-5, as currently constituted, has been made by council rule.

Mr. Walter explained Westport Capital had acquired the former Plum Tree Shopping Plaza property. The property was in a state of limbo and in the worst possible state because it was half demolished. The developer was anxious to begin the new development. In order to move forward, a water canal needed to be relocated and the City needed to redesign the sewer line along 600 West. The proposed tax increment financing would be used to pay for a portion of the sewer improvements. He said the RDA had a plan to address the sewer issues in parcels that were not part of the redevelopment project area.

The proposed resolution would approve the project area plan and budget. If approved, the county could begin to delineate project area boundaries for the flow of tax increment to be used in future tax years.

The developer was ready to submit bonds to begin the project. The proposed project included:

- Residential housing fronting the river along the back portion of the development.
- About 75,000 square feet of retail close to University Parkway.
- A major chain hotel with 124 rooms.

In response to a question from Councilor Harding, Mr. Walter said the 2019 tax roll of \$21 million would be the base year used to determine tax increment. As a result of new changes in the Utah Reinvestment Agency Law, new projects were required to set aside ten percent of the tax increment for low and moderate-income housing.

In response to a question from Councilor Ellsworth, Mr. Walter said the submitted site plan was a draft. There might be changes, including orienting the hotel along the river. Any changes to the site plan would continue through the city's typical development process.

Chair Sewell invited public comment. There was no response to the request.

Councilor Harding said he was not comfortable with the idea of tax increment financing. It was problematic using the 2019 tax rolls as the base year. The property value had dropped substantially since viable businesses were demolished a few years ago and a previous project that was not completed. It felt like the whole development had been problematic and tumbled from one project to another. He would love to see the development completed but worried about setting precedents.

With no further council discussion, Chair Handley called for a vote on the implied motion.

Vote: The motion was approved 5:2 with Councilors Ellsworth, Fillmore, Handley, Hoban, and Sewell in favor. Councilors Harding and Shipley were opposed.

6. Resolution 2020-RDA-03-10-6 Redevelopment Agency of Provo City approving and adopting The Community Reinvestment Project Area Budget for The Mix Community Reinvestment Project Area. (20-053) ([0:32:36](#))

Motion: An implied motion to approve Resolution 2020-RDA-03-10-6, as currently constituted, has been made by council rule.

Mr. Walter said the proposed resolution would approve the budget for the previous item. The proposed tax increment financing would be used for sewer enhancements at this location and further downstream. The base year tax liability of \$21.3 million would be used to determine the amount of tax increment for the project for the next twelve years.

The RDA would collect a portion of tax increment from all taxing entities as shown below:

- Provo City – 75% - \$417,890
- Provo School District – 70% - \$2,012,245
- Utah County – 50% - \$324,042
- Central Utah Water Conservancy District – 70% - \$106,243

Chair Sewell invited public comment. There were no responses.

Councilor Harding wanted to clarify that, while he will be voting against item No. 6, he should have supported item No 5. However, he did not think it mattered enough to reconsider the previous vote.

Vote: The motion was approved 4:3 with Councilors Ellsworth, Fillmore, Handley, and Sewell in favor. Councilors Harding, Hoban, and Shipley were opposed

With no objections, the meeting was adjourned as the Redevelopment Agency Board and reconvened as the Municipal Council.

Provo City Municipal Council

Action Agenda

7. Resolution 2020-8 appointing individuals to The Metropolitan Water Board Of Provo. (20-003) ([0:32:36](#))

Motion: An implied motion to approve Resolution 2020-8, as currently constituted, has been made by council rule.

Chair Handley introduced the item and announced the individuals to be appointed to the Metropolitan Water Board of Provo were Richard Brimhall, Rachel Whipple, and Jared Oldroyd. The council had met with Ms. Whipple and Mr. Brimhall but had not met with Mr. Oldroyd. Chair Handley invited Mr. Oldroyd to introduce himself to the council.

Mr. Oldroyd said he had been a resident of Provo most of his life. He was a civil engineer specializing in water resource projects. This was a great opportunity to work with the city and help deal with water related issues.

Chair Handley invited public comment.

Dennis Weir, Metropolitan Water District Chair, thanked the council for quickly filling the positions. The appointments made it possible for the new board members to attend the annual meeting next week in St. George.

Vote: The motion was approved 6:1 with Councilors Fillmore, Handley, Harding, Hoban, Sewell and Shipley in favor. Councilor Ellsworth was opposed.

8. Ordinance 2020-4 approving various amendments to Provo City Code Title 14 for consistency and stylistic purposes. Citywide application. (PLOT20200042) ([0:40:00](#))

Motion: An implied motion to adopt Ordinance 2020-4, as currently constituted, has been made by council rule.

Aaron Ardmore, Provo City Planner, presented. Council staff requested the amendments, with the exception of number 3, which was added by Provo planning staff. He reviewed the following changes to Title 14:

1. Changed the terminology for accessory *apartments* and accessory *dwelling units* to accessory *living spaces*.
2. Added a new land use type designation for public transit bicycle parking.
3. Corrected design guideline references for Medium Density Residential (MDR) and High Density Residential (HDR) zones.
4. Updated the date for impact fee calculations to reflect the most recent impact fee plan.

Chair Handley invited public comment. Seeing none he brought it back to the council for discussion.

He noted this was the first hearing for an item approved at the February 26 Planning Commission meeting. It could be continued at the request of any councilor.

With no requests to continue, Chair Handley called for a vote on the implied motion.

Vote: The motion was approved 7:0 with Councilors Ellsworth, Fillmore, Handley, Harding, Hoban, Sewell and Shipley in favor.

9. Ordinance 2020-5 amending Provo City Code Section 15.08.060 (Impact Fee Calculations). Citywide application. (PLOT20200042) ([0:42:52](#))

Motion: An implied motion to adopt Ordinance 2020-5, as currently constituted, has been made by council rule.

Brian Jones, Provo City Council Attorney, introduced the item. The proposed ordinance would change the date that the Impact Fee Analysis and Impact Fee Facilities Plan was adopted from December 11, 2018 to December 10, 2019.

With no council discussion, Chair Handley called for a vote on the implied motion.

Vote: The motion was approved 7:0 with Councilors Ellsworth, Fillmore, Handley, Harding, Hoban, Sewell and Shipley in favor.

10. Resolution 2020-9 authorizing Provo City to enter into an interlocal agreement with the Redevelopment Agency Of Provo City for The Provo Medical School Community Reinvestment Project Area. (20-051) ([0:44:20](#))

Motion: An implied motion to approve Resolution 2020-9, as currently constituted, has been made by council rule.

Adam Long, legal counsel for the RDA, stated this was Provo City's side of the interlocal agreement just approved by the RDA board.

Chair Handley invited public comment. There was no response.

With no council discussion, Chair Handley called for a vote on the implied motion.

Vote: The motion was approved 7:0 with Councilors Ellsworth, Fillmore, Handley, Harding, Hoban, Sewell and Shipley in favor.

11. Ordinance 2020-6 amending Provo City Code relating to Section 18.03.040 and the Drainage Manual. Citywide Application. (20-050) ([0:45:45](#))

Motion: An implied motion to adopt Ordinance 2020-6, as currently constituted, has been made by council rule.

Rob Hunter, Public Works Engineer, presented. A new state law, effective March 1, 2020, addressed onsite water discharge. The change required new development, more than an acre in size, to retain the

first half-inch of storm water before discharging it into the storm drain system. The proposed ordinance would bring the city into compliance with state rules.

Councilor Harding noticed that large sections of the map were blocked out and called “well protection zones.” Mr. Hunter said well protection zones were necessary so that the discharge did not get down to the well water. The city would not want to risk contaminating the areas where we were pulling out our culinary water.

Councilor Ellsworth said not too long ago something like this would be illegal in Provo. The city had made some big strides.

Chair Handley invited public comment.

Sam Oman, Provo, said the soil was different on every single piece of property in Provo. In some areas there was calcified clay that water did not penetrate unless you punched a hole in it. He felt the city needed to be a little more judicious with this legislation because putting water into the ground was not a casual issue.

Chair Handley closed public comment and invited council discussion.

Councilor Ellsworth stated the multi-stake building on 900 E. 300 N. that had already implemented this. It was a great way to filter water.

With no further council discussion, Chair Handley called for a vote on the implied motion.

Vote: The motion was approved 7:0 with Councilors Ellsworth, Fillmore, Handley, Harding, Hoban, Sewell and Shipley in favor.

12. Ordinance 2020-7 of Provo City Adopting the Community Reinvestment Project Area Plan for The Mix Community Reinvestment Project Area. (20-052) ([0:53:24](#))

Motion: An implied motion to adopt Ordinance 2020-7, as currently constituted, has been made by council rule.

Mr. Walter said this was the City side of a resolution approved earlier by the RDA board. This would allow the City to enter into a public/private partnership with the developer for sewer enhancements.

Referring to Councilor Harding’s concern about the tax increment base year, Mr. Walter said the lower base year would allow the tax increment to increase faster and reach the cap quicker. He was not entirely convinced the tax base was lower but would continue researching the issue. He would get back to the council with his findings.

Chair Handley invited public comment. There was no response to the request.

With no council discussion, Chair Handley called for a vote on the implied motion.

Vote: The motion was approved 5:2 with Councilors Ellsworth, Fillmore, Handley, Hoban, and Sewell in favor. Councilors Harding and Shipley were opposed.

13. An ordinance amending Provo City Code Relating to the Professional Office (PO) Zone to allow private educational services as a conditional use. Citywide application. (PLOTA20200047) (0:55:42)

Motion: An implied motion to adopt the ordinance, as currently constituted, has been made by council rule.

Robert Mills, Provo City Planner, presented. Public schools were permitted in any zoning district, however, private educational services were not permitted in the Professional Office (PO) zone. The proposed ordinance would create a conditional use allowing private schools to be located in the PO zone with specific conditions. These conditions include:

- Adhere to parking requirements.
- Submit a parking and circulation plan prepared by a professional. The plan would only be approved if the existing facility would not negatively impact area traffic and surrounding uses.
- Conform to all health, safety, and building codes.
- Exterior lighting should not shine directly into adjoining properties.

Councilor Hoban asked what the worst-case scenario might be. Mr. Mills said the worst-case scenario would be if one of these facilities could not meet the required conditions. This does not mean that private schools could be located in neighborhoods all over Provo. The school would still have to meet all of the requirements of the underlying zone. He said a conditional use was permitted in the underlying zone. The only way you could deny a request was if there was a specific hazard to life or health.

In response to a question from Councilor Hoban, Mr. Mills said that Provo used the standard land use codes. The entire 6800 series was included, which allowed such things as K-12 and nursery schools, beauty schools, dancing schools, etc.

- 6810 – included a K-12 school and nursery schools.
- 6820 – included universities, colleges, technical schools, and a professional school education.
- 6830 – included special training and schooling.

Councilor Ellsworth pointed out that the definition of school was already in the code.

Councilor Fillmore asked if this required final sign-off by the Planning Commission. Mr. Mills replied that, based on the degree of potential impact; the request would go to the Planning Commission for approval or to an administrative hearing.

Councilor Sewell asked if there were any non-conforming schools located in other PO zones. Mr. Mills was not aware of any.

Chair Handley invited Marion Monahan, the neighborhood chair, to comment. Ms. Monahan said the Brambles were most affected by this action and they were unable to attend. This action would make the school, which was already there, legal. The school had caused many problems over the years. Now, all of a sudden, they started building a playground. Rather than change the whole PO zone, the council could put the school property in a Public Facility (PF) zone. There might be unintended consequences to changing the PO zone.

Councilor Fillmore asked why the City preferred amending the PO zone as opposed to the PF zone. Mr. Mills said staff felt that private educational facilities would probably be a beneficial thing to allow in PO

zones. The amendment would apply to PO zones city-wide rather than change one property to the PF zone.

In response to a question from Councilor Harding, Mr. Mills said city staff initiated the proposed amendment.

Chair Handley invited public comment. [\(1:06:49\)](#)

Sam Oman, Provo, said allowing private educational facilities in a PO zone did not make sense. Imagine have 50 cars lined up to pick up children. Traffic and parking in Provo were already a burden. In Salt Lake City, people could not get out of their homes when schools were in their neighborhood. He was not sure we wanted that throughout the whole city. Councilor Harding clarified this amendment only applied to PO zones. Mr. Oman replied that PO zones were a little fuzzy. A professional office could be put in an historical home in the middle of a residential neighborhood.

Becky Bogdin, Provo, said the Planning Commission discussed having a drug and alcohol rehabilitation center in this PO zone and how it would affect a school. She said it did not have to be a drug and alcohol rehabilitation center. In her neighborhood, they had two retirement homes. Because of their conditional use permit status, they housed people with disabilities, which was the same as a rehabilitation center. Both retirement homes have turned into drug and rehabilitation center and one is right by a preschool. This was something the council needed to consider.

Sharon Memmott, Provo, was worried about changing a city-wide zone to resolve a single issue. The only reason the school was there was because someone on staff thought the school was allowed. Making this broad change might open up more places where they do not want a private school. She said the Planning Commission did not look at the number of parking spaces per student, but per classroom. If they had, the school would not have met the criteria. Staff felt the number of parking spaces was sufficient, but the neighborhood did not. Traffic problems might not be obvious to people looking to purchase a home in the area.

Otto Nuila, Provo, said that although staff initiated the text amendment, it was one person that encouraged this action. The person initiating the lease with the school said they thought it was a charter school. The neighborhood had more than 100 signatures that supported rezoning this property to the PF zone, as it was in the 1980's. He did not think the council had to change all PO zones to make this situation legal. They supported the private school and felt it was a good fit with the neighborhood.

Susan Robinson, Edgemont, agreed that the city was making this change to help one person. Zoning was supposed to keep order in a city. She said the owners had not complied with a number of CC&R's associated with the development. It was great when the Waterford School was located in the building. Since they left, it has been one business after another. Changing the property back to the PF zone would help the neighborhood and would solve the problems with a building that should never have been built.

There were no more public comments. Chair Handley invited council discussion.

In response to questions asked by Councilor Fillmore, Mr. Jones replied that a conditional use permit could be revoked at any time if the conditions were not met. When citizen complaints were received, they were investigated and, if substantiated, staff would take actions to enforce the code related issues. A revocation hearing could be held following a code enforcement issue. Mr. Jones said the PF zone

included the entire 6800 series of land use codes, which would allow public, private, and charter schools.

Chair Handley asked Mr. Mills why he felt why amending the PO zone was a good solution instead of the PF zone. Mr. Mills said this was a substantial and good amendment. It allowed a use in the PO zone that was consistent with that zoning district. It would be including specific conditions written into the code allowing the city to enforce the regulations. He noted that the city could not enforce CC&R's because they were private covenants. There were always risks when a citywide zone was changed. That was one reason why they suggested this as a conditional use rather than a permitted use.

Councilor Hoban said it was written in the ordinances that drug and rehabilitation centers could not be opened near schools. Would this apply to a private school in a PO zone? Mr. Mills replied that it did apply to private schools. Councilor Hoban asked what would restrict a school from moving in next to something similar to a drug and rehabilitation center. Mr. Mills said there were state licensing requirements that the school would have to meet.

Councilor Harding respected the choice of staff to sponsor this proposal and did not have a problem with it. It did not matter if the idea came from a citizen. If something was presented to staff and they felt it was a good idea, they would propose it to the council. He was trying to decide if it made sense to add this land use to the PO zone, which had citywide application. He was not weighing his decision from the perspective of one particular thing. If he voted yes it would have to be because he felt it was the best decision citywide. This one particular property was not compliant with their current zone. No one objected to the current use. There were a couple of ways to resolve the problem. They could change the PO zone to allow it as a conditional use, or they could rezone the property to the PF zone.

Mr. Mills wanted to clarify that the entire 6800 series was not included in the PF zone. It included:

- 6810 – K-12 plus nursery schools.
- 6820 – Universities, colleges, technical schools, and a professional school education.
- 6830 – Special training and schooling.

Councilor Sewell was not happy that a zoning violation instigated this amendment. He would have preferred that the city not act on this and they address the proposal from the neighborhood. He felt it would be good to match the current use with the zone they were requesting. It would also match the surrounding uses. However, there would be a problem doing that. He asked Mr. Jones to explain the problem.

Mr. Jones said the council could consider a request for a zone change, but they must receive a recommendation from the Planning Commission before acting. Typically, citizens would need to submit an application for that zone change to the Planning Commission, not the council.

Councilor Sewell said the council could not act on the request to change the zone to PF that night. Addressing the proposal before the council, he had concerns about possible unintended consequences. However, he also noted that state law already allowed public and charter schools in the PO zone. From that standpoint, he was inclined to allow the conditional use. If the neighbors wanted to pursue changing the zone to PF, they should go through the normal process and it would eventually come back to the council.

Councilor Ellsworth said the issue with this specific property was that the owner was given a business license, but the city did not make him aware that his business was not compliant in that zone. It was the

city's mistake, and she did not want to create more problems. This proposed amendment created a win-win solution. Public and charter schools could go in any zone but not private schools. To her there was not much difference between public, charter, and private schools. She was comfortable with settling the issue that night and moving forward.

Chair Handley agreed with Councilor Ellsworth and Councilor Sewell. If they were to consider a zone change, it would also be in response to an out-of-sync situation. He did not want to prolong this. If the neighborhood wanted to pursue this through the Planning Commission and, if there were good reasons for the council to consider a PF zone change for this property, the council could address it at that time. He was inclined to support the proposed amendment.

Councilor Hoban addressed the parking concerns expressed earlier. Most high schools had about five parking spaces per classroom with the average classroom size of around 1,000 square feet. This being a K-12 school, fewer spots would be needed. Office space required at least five parking spaces per 1,000 square feet with it going up significantly if the business was a call center. He recalled the neighbors said they were happy this was a school now and not a call center where they had hundreds of vehicles parking everywhere in the neighborhood. A school would have significantly less parking issues than an office complex. Getting in and out of the parking area could be a problem.

With no further discussion, Chair Handley called for a vote on the implied motion.

Vote: The motion was approved 7:0 with Councilors Ellsworth, Fillmore, Handley, Harding, Hoban, Sewell and Shipley in favor.

14. An ordinance amending the Provo City General Plan relating to The Transportation Master Plan. Citywide Application. (PLGPA20200038) ([1:37:43](#))

Motion: An implied motion to adopt the ordinance, as currently constituted, has been made by council rule.

Robert Mills, Provo City Planner, presented. Public Works staff and their consultant (Parametrix) have been working on an update to the Transportation Master Plan (TMP). He noted this plan was an important part of the General Plan. The proposed plan was a complete overhaul of the current plan. Three open houses were held for the public to review and provide input on the proposed plan. Members of the Transportation and Mobility Advisory Committee (TMAC) and Planning Commission have reviewed it several times and provided input.

Mr. Mills said the proposed plan was discussed with the council during work session. As a result, several projects in Phase 2 of the Capital Facilities Plan (proposed projects for the years 2025 thru 2040), were changed. Instead of designating a specific lane count for the following projects, future roadway improvements would be looked at from a capacity and safety perspective.

- Project 2.7 – 820 North from Geneva Road to 500 West.
- Project 2.8 – Seven Peaks Boulevard from 700 North to 1000 North
- Project 2.9 – 1600 West from Center Street to 600 South
- Project 2.10 – Sierra Vista Way from Mountain Vista Parkway to SR-75
- Project 2.11 – 600 South from 2470 West to Lakeview Parkway
- Project 2.12 – 1150 South from 1600 west to 2050 West

Mr. Mills said the existing Provo 820 North corridor study would be added to the plan as Appendix E. This would give a little more clarification to this corridor and what the intentions were for the future. He noted that regional studies, including a possible I-15 interchange at 820 North, might affect that corridor.

In response to a question from Councilor Fillmore, Shane Winters, Public Works Engineer IV, explained that the 820 N. project was estimated at \$70 million and any safety or capacity improvements would be phased in. Funding for all of the projects would need to be approved by the council. He said that 820 north was a significant regional corridor. Safety concerns about the bridge at 900 West was driving the 820 North corridor study. The bridge, which was on the low end of the UDOT rating threshold, would need to be replaced soon. The new bridge would need to be constructed so as not to restrict future improvements to the corridor.

Mr. Winters said the I-15 study by the state would begin in the next few months. That study was independent from the city's study. He noted there was no predetermined locations for a new interchange. Results from the study may change our transportation plan. The results from another study, or the next Transportation Master Plan update in five years, would be sent back to the council for review and approval.

Mr. Parker referenced the recommended changes to the 820 North project and suggested adding language stating that any action would be subject to final approval by the council.

In response to a request by Councilor Ellsworth, Vern Keesler with Parametrix, described the process they followed for the transportation plan. Mr. Keelsler said they had worked on the project for two years. They were 33 modifications to the plan, three public open houses, nine meetings with TMAC, five Planning Commission meetings, and four presentations to the council.

The process included developing an impact fee facilities and analysis for the next five years. The plan would need to be updated at that time. He felt good about the open houses, with the last one being very well attended. He felt they came to a good understanding of sensitive issues surrounding the 2230 North roadway improvements. He said UDOT would be doing a two-year environmental impact study looking at some type of I-15 interchange access between Center Street in Provo and University Parkway in Orem. As noted before, results from the study would influence future action on the 820 North corridor. They had met with members of the bike committee and neighborhood chairs. During the past two years, this project had been vetted pretty well.

Councilor Ellsworth asked if it had been difficult making decisions with an outdated General Plan. Mr. Keesler said that land use and transportation go hand-in-hand. Land use had an impact on transportation and transportation had an impact on land use. The General Plan was in need of an update. He clarified that he was a planner, not an engineer. There was more planning than engineering in the document, but the document did include engineering jargon.

Councilor Hoban was encouraged by the changes made to the plan, specifically the 820 North corridor. He asked if the project cost of \$70 million would be adjusted with the change. Mr. Keesler said it would not be adjusted for this plan. He agreed that these are planning level estimates for Phase 2 of the plan so inflation might affect those estimates. They were at least six years from funding any projects. Funding for one project in Phase 1 – 820 North from University Avenue to 500 West – would be needed within five years. Councilor Hoban agreed that this project, along with the bridge on 820 North, needed to be addressed soon.

Chair Handley asked why the complete streets policy was not formally adopted with this plan. Mr. Keesler said that rather than having a policy that specified particular performance measures, the new plan implemented an entire bike, pedestrian, and transit plan into the active transportation plan. Portions of the complete street bike and pedestrian treatment were flexible enough to be included in the transportation plan. Many principles of Chapter 7 of the complete streets document were included in Chapter 5 of the active transportation plan.

In response to a question from Councilor Harding, Mr. Keesler said the adopted bicycle master plan was an excellent resource, especially dealing with some design issues. However, things were changing quickly in regard to active transportation. The new transportation plan superseded the complete streets policy.

Chair Handley invited public comment. ([2:03:07](#))

Carrie Parkinson, living at 630 North a block and a half south of 820 North, appreciated the thought and effort that went into this plan. The Dixon neighborhood was not family friendly. Expanding 820 North would not improve that. They could take a tiny portion of the \$70 million estimate and use it to incentive people to bike to work and school. It would transform Provo, improve air quality, and reduce congestion.

Spencer McDonald, Provo, said he had lived on 820 North for 15 years. He said there was a sense of community in that area, with neighbors helping each other. That cohesion required longevity. He believed the neighborhood on 820 North should be preserved by whatever means necessary before using eminent domain to enlarge the road.

Teri McCabe, Franklin Neighborhood Chair, said the plan showed Draper Lane straightened out and extended from 820 North to 600 South. If she had known that she would never have encouraged business expansion on Draper Lane. She said the map in the plan, and the map she received from Mr. Mills, conflicted with each other about the south end of Draper Lane. Homeowners and businesses along Draper Lane were surprised it had been included in the plan without notifying them. She asked for that project to be removed from the plan. An improved crosswalk needed to be included just north of the FrontRunner station at 200 West 500 South. Ms. McCabe asked for more communication and input by the neighborhoods before the plan was approved.

Eric Chase, North Park Neighborhood Chair, said traffic was bad on 800 North because of construction along 500 West. People did not like being stuck in traffic on 800 North during the busy times. It was tempting to widen roads to solve the problems, but he wanted to speak out against that. Widening roads would have a negative impact on neighborhoods in central Provo. He thought the city could find better solutions.

Sam Oman, Provo, appreciated the effort that went into the plan but recognized it was not a legal document. It was a reference document to be used when making decisions. He had asked Councilor Ellsworth for a copy of the master plan and said the copy he received was very old. He would like to find current documents, like the transportation plan, neighborhood plan and energy plan, on the city's website.

Glen Jaspering, Provo, owned rentals in the area. He was not for or against the plan and had no problem if homeowners were compensated properly. He did have a problem with people going to his

rentals and telling them the homes would be torn down. He wanted to avoid this rumor spreading. It might make it difficult to rent in the future.

Christy Jensen, Rivergrove Neighborhood, agreed that there was a sense of community in her neighborhood. A lot of sweat equity had been put into a number of projects in the area. Widening 820 North would have a negative impact in the area. She was also surprised to see that Columbia Lane was scheduled to be widened to five lanes. This action was not the basis for a healthy neighborhood. Riding bicycles was dangerous, she had been hit one time and almost hit several times. The city needed to be pro-neighborhood. Changing the language in the document did not change anything.

Hannah Leavitt Howell, Provo, said widening 820 North would impact neighborhoods. She understood there would be growth, but this would be an irrevocable change. It would not just affect the Rivergrove neighborhood, which had a great sense of community, but would change Provo as well. The \$70 million price tag should be alarming. Street parking could be eliminated, and it could be made into a three-lane road, with the middle lane for turning. Traffic on 820 North was not that bad. Widening Columbia Lane would hurt the neighborhood also.

Kathy Hindmarsh, Provo, had lived by the 900 West bridge for 40 years. There were five schools in the vicinity of 820 North. She was concerned about kids crossing five lanes of traffic. Adding an I-15 interchange on 820 North for better access to the hospital would not work because there were two trains you would have to stop for and schools with crossing guards. The \$70 million price tag was very large. Would you tear down Provo College, Freedom Preparatory Academy, and several businesses in order to widen the road?

Grant Skabelund, Rivergrove Neighborhood Chair, said widening 820 North would mean the destruction of many homes. Widening Columbia Lane would limit commercial redevelopment in the area. Even with the new language, it did not prevent Public Works from doing these projects. Keeping 820 North in the master plan signaled to UDOT that Provo wanted the interchange at that location. We need to create a vision based on what we want to become. This project had been in the Public Works planning documents since the last century. The plan needed to be reshaped and approved by the council, who had a vision on the future, not the past.

Brent Hall, Provo, built his home nearly 50 years ago. Over the years, they have asked several councils not to widen the road and it continues to stay on the plan. With transit options changing the road widening might not be necessary because there would be other options. This would destroy the neighborhood. There were homeowners and renters in the neighborhood that were not taking care of their property because of the uncertainty. Adding five lanes to the road would destroy the neighborhood.

Parker Howell, Rivergrove Neighborhood, agreed that many people would be impacted by widening 820 North. It would be a costly mistake unjustified with the current data. The average annual daily traffic was 9,200 and 11,000 on 800 and 820 North respectively. He said the stretch from Geneva Road to 500 West had decreased from a peak of 9,300 in 2003. The master plan stated that a three-lane road could support 16,000 average annual daily traffic. It was important for the council to plan for the future, especially east-west access but it would be hard to justify five lanes on 820 North.

Becky Bodgin, Provo, thanked the transportation committee for working with her and listening to the concerns of the neighborhood. One of their main concerns was the east-west corridors. They should continue to study the options so that we have better mobility throughout the city, especially in central

Provo. In speaking with Brian Taylor, the Sunset Neighborhood Chair, he expressed concern about the Draper Lane connection. It would take away affordable housing options. His other concern was 1600 West, which was an alleyway between 600 South and 1150 South. It needed to be connected with Lakeview Parkway, further south. Enlarging that road would make it safer for children walking to school.

Daniel Burt, Provo, said most of what he was going to say had already been said. He asked the council to lead the city toward a future that was not dependent on vehicles. He appreciated older, cohesive neighborhoods where you could walk and bike to places. He said he represented a part of his generation that wanted walkable and bikeable neighborhoods with access to transit.

Sharon Memmott, Provo, said the plan did not have park and ride lots. Residents in the northeast wanting access to UVX could not find lots to park in. She appreciated that this was a high-level transportation plan and there were no specific plans. However, when it was time to get down to the specifics, the citizens did not know when it was time for them to give input. She hoped they would be involved in the process, including understanding the budgets for various projects and where the funds were coming from.

Aaron Bartholomew, Provo, was not sure the different language changed anything, especially if they keep the \$70 million budget. Older neighbors were worried about not being able to sell their homes because the transportation plan said their homes would be demolished. There was no reason why the studies could not be completed with the 820 N language of capacity removed. They could revisit it in five years. He asked why the city did not look for other east-west corridors, possibly extending 500 North further west to connect with Geneva Road.

Wayne Leavitt, Provo, lived in the Joaquin area, which was a walkable neighborhood. He noted the city had not talked about the east end of 800 North. He expressed solidarity with the Rivergrove neighbors and how their lifestyles were being threatened. The council needed to find a way to get people excited about roads.

Christina Bartholomew, Provo, said the Rivergrove area was a treasure in the city. There were dozens of riverfront homes. They could walk to the grocery store and school. Children crossed 800 North every day. Trains stopping traffic completely and traffic associated with the two schools were part of the problem. Those issues need to be resolved before they even think about widening 820 North. There were other things they could do to strengthen east-west access other than funnel traffic down 820 North. Widening roads created islands in the city. She did not think that should be the character of the city. She felt they were changing the language just to pacify the neighborhood. She asked the city to look for other ideas.

Doug Oldham, Provo, represented the Pleasant View Neighborhood. Everything that has been said about 820 North applied to 2200 North. The only difference was 2200 North was scheduled in Phase 1. He appreciated the open houses and the opportunity to give feedback. However, it felt like they wanted the engineering department to persuade the residents why they needed the roads widened as opposed to listening to what they were saying. He felt priorities were dictated through engineering. They should determine what they wanted and then design the streets using proper engineering to make it happen, as opposed to allowing traffic counts to determine what happened.

Mary Wade, Provo, felt like they were increasing road capacity to account for future growth. Provo was not projected to experience that much growth. The projects had large costs plus they would need ongoing maintenance. Look for other options for east-west mobility. While delivering Meals on Wheels

by bicycle, she found that people were trapped by five-lane road designs. She requested they remove the 800 and 820 North widening proposal from the plan.

Tim Rich, Provo, asked the council to consider the costs and use other options to lower the price. He did not want east and west of the freeway to be two different places. They should look at 500 North to offset the load. Widening 820 North would change the culture. He asked them to remove this project from the plan. It would be a bad use of the money.

Ryan Frandsen, Provo, previously lived on 820 North, but sold his home to Mountainland Association of Government (MAG). He had two fences that were paid for by insurance money after cars ran through them. He said 820 North was not safe and needed to be improved. Removing street parking to add a turn lane was not a solution. He thought additional corridors on 500 North and Sand Hill would help alleviate the east-west access problems. His experience with selling his home to the city was very transparent and he received a fair price. He noted that several neighbors had approached him about that process. This conversation did not come as a surprise because they have known for years it was going to happen. The council needed to set a vision and avoid a commercial corridor.

Kat Linford, Provo, said she was more confused after the open houses. There was no plan and no options offered. Four out of five comments were opposed to widening 820 North and having an I-15 interchange. Even though there were negative comments (just from the open houses) the plan was still going forward. She asked the council to put a hold on this project. Nothing had to be decided that night. She was not opposed to change and understood that progress needed to happen. She was just opposed to approving the transportation plan as it was written.

Jay Lichtey, South Orem, grew up on Grandview Hill. He drove on 820 North every day and the only time it was busy was for BYU football games and on the Fourth of July. He did not see much potential for growth. Are there that many more people that need to move east and west? He was in the process of purchasing a building on Draper Lane where his business was located. He eventually wanted to offer retail in the area. He had no idea that a new road was being proposed in the area.

Stewart Withers, Provo, lived in the Fort Utah neighborhood. He either drove or biked on 800 and 820 North daily. He was not in favor of widening the road. He could plan for an extra five minutes if traffic were slow during peak time. Seeing all the road widening projects in the transportation plan made him wonder about the city's goals. It looked like the traffic models were just showing moving as many cars as possible. However, projects increasing bicycle lanes, increasing access to transit, and improving pedestrian access at crosswalks would reduce vehicle traffic. Our engineering and planning approaches needed to reflect that.

Allison Bartholomew, Provo, crossed 820 North daily. There were not that many cars that travel along that road. The only congestion was with the schools and the railroad tracks. Those problems would still be there even if they widened the road. She would not feel safe trying to cross a five-lane road. She said there were several older couples that have lived there for a long time. You could not just offer them money and think things would be good for them.

Michael Bartholomew, Provo, lived in the Rivergrove neighborhood his whole life. He took 820 North to and from school daily. The only problems he had experienced were with the trains and when school was getting out. He said \$70 million was a lot of money to spend if those were the only problems.

Amy Clyde, Provo, lived on the boundary of Rivergrove and Dixon neighborhoods for more than ten years. She used 820 North and the river trail regularly. The only time it was a problem was when there was a big event at BYU or during rush hour. Construction on 500 West was increasing the traffic on 820 North. The council should wait until construction was completed and then do a traffic study.

Dennis Russo, Provo, asked who knew what was best for the citizens of Provo. Was it the politicians that make the decisions or the people that live in the neighborhoods? There were several people at the council meeting and only the planners were in favor.

Chris Wiltse, Provo, said he worked in finding funds for active transportation facilities. They estimate \$1 million per mile for constructing the very best multi-use trails. They could build 70 miles of multi-use trails in Provo with a \$70 million budget. A lot of work had gone into the plan and the consultants did a great job within the parameters set for them. If the councilors did not feel comfortable with a wide road in front of their house, how did they think other people felt? They needed to consider what the goal was for the community.

There were no more public comments.

Chair Handley invited council discussion.

Councilor Fillmore said widening the road could cause a lot of pain, but we also need to have an east-west corridor somewhere. What were the other options considered? Mr. Keesler said they recommended 500 North going from a collector road to a minor arterial road from 900 East to Independence Avenue. It was not modeled in this plan because connecting 500 North to Geneva Road would cross three sets of railroad tracks, the Provo River, and I-15, which presented some major challenges. He did not know if they could make it work from an engineering standpoint. They could try to model that option in the next update and see if it improved east-west mobility. He appreciated the comments and understood that widening 820 North raised several concerns. However, 820 North was not a project that would be built in the next five, six, or seven years. We will know more when UDOT completed their study.

Mr. Keesler said several citizens commented on the funding estimate for 820 North. Most of the funds for 820 North would come from the Surface Transportation Program Fund (STP). Provo City had a seven percent match so 93 percent would be paid from state and federal government funds. The east-west mobility was a major concern. Phase 1 of the capital facilities plan included ten of 14 projects that were new roadways to accommodate growth on the west side. He said that 820 North would need a "boots-on-the-ground" study, not the high-level study included in the plan.

As for other options, Mr. Keesler said that UDOT was looking at several locations for an I-15 interchange between Center Street and University Avenue. The study would require a lot of public comment and input. A large amount of that would come from the city itself.

Mr. Winters said they show a road across I-15 at 1680 North, which currently dead ends on both sides of the freeway. Eventually, the plan was to make the connection with an overpass or an underpass. That project was on the Phase 2 plan. UDOT was our transportation partner so they would be a part of any process of getting additional connections across I-15. It was a federal highway, so they had their own requirements as well.

He said one of the unique challenges, from an engineering standpoint, was the railroad. They were not even close together on 820 North. Any solution for an east-west corridor that crossed the railroad and I-15 would be very expensive. They had looked at numerous options, including building a bridge across the railroad tracks.

Councilor Fillmore asked about removing on-street parking on 820 North. The additional space would create a three-lane road all the way with active transportation options. Mr. Winters said that had been considered. They do that all the time by taking a two-lane road, stripe it to a three-lane road by removing the parking. A possible solution would be to remove parking and add bike facilities until they needed increased capacity and safety improvements.

Councilor Sewell noted a resident (Mr. Howell) quoted a traffic count for 820 North. Mr. Howell stated that in 2003 the traffic count was a little more than 9,000 and that it was about the same, or slightly less, today. He asked if that could be verified. Mr. Winters said he did not have the answer right now, he would have to look that up.

Chair Handley felt reluctant to make these comments, but he had a strong bias that cities should be planning very aggressively to reduce vehicle miles. That had to be the highest priority in any transportation plan because of the effect on our air quality and quality of life. The pervasive mentality for wider streets and more cars was a no-win scenario. He knew how much work had gone into the plan and was pleased to see the active transportation chapter included. He had a hard time understanding why 800 North, south of BYU campus, was a good place to put more cars moving east-west. It was the heaviest north-south pedestrian crossing anywhere in the city. He would like to see more evidence that the active transportation plan was not just included as a chapter but was actually influencing the other plans. He was not anti-car, but was convinced that electric bikes and other means of transportation were the wave of the future. He agreed that we do not know what was around the corner. He would rather assume that the paradigm they were operating with had to go rather than assume it had to be accommodated. He was not ready to strike some of the road widening out of the master plan because that did not answer the problem of east-west issues or address the other streets that were also being proposed for widening. He was not ready to pass this and would not be ready until he was satisfied that a lot more of that kind of vision was in the plan.

Councilor Ellsworth appreciated the work that had been accomplished over the past two years by Public Works, Planning, and Parametrix. The city went into this with eyes wide open knowing we needed to do some planning for transportation. However, we also need to do some planning for land use, values for the city, and what we want to be like 30 or 40 years from now. This plan was about the network, not just one road.

She had one significant concern with 900 South, east of I-15 and the railroad tracks. Referring to Figure 4.1 in the plan, she demonstrated how difficult it was to get to the mall or the train station from that part of town [\(3:20:05\)](#). She wanted to connect the southeast part of Provo with the rest of Provo. This was just one of her concerns.

Councilor Ellsworth wanted more discussion and did not want to throw it out over 820 North. If we used different language for 820 North, it would not mean the road would stay the same or it would be widened to a five-lane road. She said it gave some flexibility and hoped the citizens would have good faith and work with this so that they felt comfortable. We did not change the language just to pacify the residents. We were looking for long-term solutions that were sustainable and safe for everyone.

Chair Handley noted that this was the first time this item had been on the agenda. Any councilor could request the item be continued. It sounded like Councilor Ellsworth had already expressed that interest.

Councilor Hoban stated that the Center Street east-west connection was a failure. Even with an interchange at 820 North, Center Street would fail. His father-in-law passed away from complications caused by an accident at the Center Street interchange. This was a choke point that was pushing everything up north. He personally avoided the interchange. He understood it was a UDOT interchange, but it was still a problem for us. Mr. Winters agreed that it was definitely a problem, especially since Center Street from the freeway to Geneva Road was a state road. When we did the study, they were made aware of these things. He said they met with UDOT and MAG on a monthly basis. That interchange was the biggest safety problem in the city. We have requested that the Center Street interchange be included in the interchange study.

Mr. Winters said UDOT was also looking at improvements on Geneva Road to address future capacity issues. It would be a collaborative effort with Provo, UDOT, and MAG.

Councilor Hoban asked why we were legally required to approve a transportation master plan. Was there a deadline? Mr. Winters said this was similar to the General Plan. It helped us plan future projects so that we will be prepared ahead of time instead of being reactionary when issues came up. A lot of land use was interconnected with transportation. We needed to have this transportation plan because it was based on the current general plan. When the general plan gets updated, we would use the land use changes to amend the transportation plan. The plan is never going to be perfect, but we do the best we can with the information we have. We try to accommodate all modes of transportation, not just cars, to try to address some of the population growth. The plan also has to address regional issues, especially since MAG estimated that, by 2050, Utah County would be the size of Salt Lake County. Provo City may not experience population growth, but employment growth will continue to increase.

Mr. Parker gave a little perspective as to why the transportation master plan was important. He began working for Provo City in 2003. One of the first meetings was with Senator Bennett to discuss funding for a crazy idea called Lakeview Parkway. We were able to secure a \$9 million federal grant to do the environmental work and begin to acquire right of way. It was now 16 years later, and that road was still not finished. It had to be built in phases that involved a lot of land acquisition. During that same time, he also attended meetings with MAG to discuss what we now refer to as UVX. The first idea of bus rapid transit was advanced in 2001 and the project was just completed two years ago. The time horizon for planning and executing a significant transportation project could take decades from start to finish. The estimated needs for 2040 were not that far away. He said that the Provo population might not grow but there would be 150,000 people between Saratoga Springs and Eagle Mountain in that 20-year time horizon. They would be larger than the population of Provo and Orem, yet Provo and Orem would remain the healthcare center, education center, and the employment center. In the 2015 820 North corridor study, the traffic count on 820 was expected to go up from 11,000 to 18,000 in 2040 without an interchange. With the interchange, the traffic count was expected to increase to 32,000. We have to make hard transportation decisions. He agreed with Chair Handley that it made sense to reduce vehicle miles traveled, but with population growth it was a geometric challenge.

Councilor Ellsworth said good planning was critical, especially with the economic growth centered here in Utah Valley. Without Utah Valley, the state lagged behind ten other states in economic growth. To do good planning we needed good data. She encouraged the public and anyone listening at home to take the census and encourage your neighbors, cousins, BYU students, and anyone they encounter to take the census.

Councilor Sewell appreciated the mention of the interchange and the effect it would have on traffic. He hoped they received interchange location feedback from UDOT soon because we have to consider those when planning for capacity. He hoped they looked at ways to spread out the east-west load, like some type of collector system. He appreciated everyone that had participated in the process and expressed their feelings. He was not convinced at this point when a five-lane road would be needed, or if it would be needed. He supported the 820 North language change that Mr. Parker suggested, which was to bring it back to the council before a final decision was made.

Chair Handley said we had a request to have the item continued to the next meeting in three weeks. He counseled each of the councilors to spend more time reviewing the plan and talking with everyone involved.

Mr. Winters asked councilors to let him know about specific issues with the plan they would like him to look at.

15. *****CONTINUED*** Comm. & Nbhd. Services Dept. requests ord. amend. to City Code 15.20.090--Parking Lot Landscaping. Request seeks to increase the min. canopy coverage & landscaping arrangement within new parking areas. Citywide appl. (PLOTA20190433)**
16. *****CONTINUED*** The Community and Neighborhood Services Department requests various Code Amendments to Titles 14 and 15 to allow for driveway and parking lot surfaces that are more permeable. Citywide application. (PLOTA20190411)**

Adjourn

The meeting was adjourned by unanimous consent at approximately 9:10 p.m.