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## PROVO MUNICIPAL COUNCIL

### Redevelopment Agency of Provo

### Regular Meeting Minutes

5:30 PM, Tuesday, September 01, 2020

Room 200, Municipal Council Chambers

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

### Roll Call

THE FOLLOWING MEMBERS OF THE COUNCIL AND ADMINISTRATION WERE PRESENT:

Councilor Shannon Ellsworth

Councilor Bill Fillmore

Councilor George Handley

Councilor David Harding

Councilor Travis Hoban

Councilor David Sewell

Councilor David Shipley

Council Executive Director Cliff Strachan

Chief Administrative Officer Wayne Parker

Council Attorney Brian Jones

Excused: Mayor Michelle Kaufusi

Conducting: Council Chair George Handley

**Prayer** - Linda P. Walton – Utah Valley Interfaith

**Pledge of Allegiance** - Councilor Travis Hoban

### **Public Comment ([0:13:07](#))**

Chair Handley opened public comment and there was no response from the public.

### **Action Agenda**

1. **A joint resolution of the Provo City Mayor and Municipal Council outlining support for the Provo School District General Obligation Bond. (20-115) ([0:16:31](#))**

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

Clifford Strachan, Council Executive Director, presented. In August at the joint meeting between the Provo City Council and Provo School District Board (the Board), there was a discussion about the need to reconstruct Timpview High School. To pay for the reconstruction, the Board has placed a General Obligation Bond on the November ballot. This is the least expensive and disruptive of all the option available to the Board and for the citizens of Provo. The joint resolution being presented would support the bond.

Chair Handley opened public comment, there was no response.

Chair Handley provided a brief background. Several years ago, Provo City passed a bond for the purpose of rebuilding City Hall, and Provo School District had publicly supported the bond. The following year, the District placed a bond on the ballot to make much needed repairs to Timpview High School, and it failed. This year the District had revised their need and planned to place a smaller bond on the ballot and some Councilors felt it was important to express support in their time of need.

Councilor Ellsworth asked for discussion on the pros and cons of passing a resolution of this nature. She was personally supportive of the bond, but she wondered if it was the place of the Council to be involved in a resolution of support.

Councilor Fillmore responded that it was the primary responsibility of the governing board of any community to take care of public safety and proper education of the children. The relationship with the school district was symbiotic in terms of infrastructure and responsibility. This bond would only cover the bare necessities but would help to address the very serious safety issues at Timpview.

Councilor Harding said they were not lobbying the district to do something, which might be more analogous to a large business asking the city to take a position on something. Instead, this was encouraging the voters of Provo to vote a certain way. The nexus was that the District has such a large impact on the quality of life in Provo.

Councilor Ellsworth asked why there had not been a resolution on the previous bond attempt. Mr. Harding felt it was likely due to conflicting opinions about the size and scope of the previous proposal.

Chair Handley agreed with Mr. Fillmore and Mr. Harding. This was an important issue for the community to collaborate on. The community was facing a great deal of risk with the current state of Timpview High School. He thought the Council's support was not only important, but obligatory. Further, Chair Handley said their support was owed to the community and the District to accomplish shared goals.

Councilor Hoban thought the resolution seemed straight forward, but he wanted time to do more research on the bond before voting on the resolution. He suggested taking another week for due diligence.

Councilor Harding did not support the previous bond proposal, there were aspects he could not support. However, the current proposal was something he wanted to support. He preferred postponing the vote if it meant they would have unanimous consent.

Councilor Shipley explained that if the bond did not pass, the District would have to spend money anyway to make the necessary repairs. By passing the bond it would allow for less expensive financing for the repairs to take place. He agreed with Mr. Harding that the 2019 bond proposal had aspects that were not favorable. He fully supported the current proposal. This was the less expensive and less complicated way to move forward.

Councilor Sewell said schools are a vital part of the community and he was happy to support the bond.

**Substitute Motion:** Councilor Hoban made a motion to continue the item to the next meeting. Councilor Ellsworth seconded the motion.

Chair Handley called for a vote on the substitute motion.

**Vote:** The substitute motion to continue the item was approved 7:0 with Councilors Ellsworth, Fillmore, Handley, Harding, Hoban, Sewell, and Shipley in favor.

**2. Resolution 2020-31 to place a 0.207 acre parcel of vacant land at 1320 South and East of 1080 East on the Surplus Property List and to approve a Real Estate Purchase Contract for the sale of city property for a residential development. (20-221) ([0:33:51](#))**

**Motion:** An implied motion to adopt Resolution 2020-31 as currently constituted, has been made by council rule.

Tara Riddle, Property Coordinator and Ombudsman, presented. She explained that in 2019 the council surplused 1.58 acres of ground located at approximately 1320 South and 1080 East. They authorized the sale of the property with an understanding that the terms of the sale would be presented to Council for final review and approval. After a bidding process, the City selected a developer with a similar mission and reasonable offer price.

While reviewing the legal descriptions and development proposal for the contract, they determined two things. First, a boundary line agreement was needed with the adjoining property owner to correct a boundary issue. Second, there was a recommendation to surplus a 0.207-acre parcel that sits directly south of the city's substation to be included in the overall development plan. The property was not needed for the substation and could eventually become a nuisance to maintain in the future. The developer could use it for landscaping, parking, and a driveway entrance from the south. If sold to the developer, the total size of the property would be 1.7 acres.

Based on the Council's direction in previous discussions, they met with the developer to provide general guidance on providing a mix of housing products with upgraded finished. A series of exhibits had been provided for exterior finishes. The proposed development had five twin homes (ten units) with an estimated list price of \$310,000 each. Along with eight single-family homes that would range from \$375,000 to \$399,000. If the developer was allowed to include basements in the homes, the square footage would range from 2,200 to 3,000 square feet; without basements it would be 1,600 to 2,200 square feet.

Ms. Riddle reviewed the key points of the real estate purchase contract. The city asked for upgraded designs and finishes. The estimated cost to the upgrades would be over \$200,000. The developer proposed a cost sharing approach for the upgrades by having the City split the cost of the 0.207-acre parcel. It was originally going to sell for \$360,000 they were proposing a purchase price of \$250,000. Upon further negotiation, it was agreed that the city would be paid for the land as the units sell. By doing this, it would free up the money that would have gone to a bank to be put into quality finishes. They felt that if the city was going to direct what was going to be built, then they should assume some of the risk.

Ms. Riddle was requesting approval from the Council for the resolution to surplus the 0.207-acre parcel and approval of the real estate purchase contract, to include this property and the originally surplused parcel.

Chair Handley opened public comment. There was no response. He invited discussion from the Council. There was no discussion. He 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.

**3. Resolution 2020-32 approving the Municipal Wastewater Planning Program Report for 2019 in accordance with the Utah Pollutant Discharge Elimination System Report. (20-119) [\(0:41:14\)](#)**

**Motion:** An implied motion to adopt Resolution 2020-32 as currently constituted, has been made by council rule.

Gary Calder, Water Resources Division Director, presented. He explained that each year, the City must update a self-assessment regarding the sewer collection and treatment system for submission to the State as part of the City's sewer discharge permit. The report was completed by Jimmy McKnight (financials), Chris Wright (collections systems), and Mark Ogren (treatment plant).

The primary goal of the report was to prevent sanitary sewer overflows through proper maintenance and capacity monitoring. In 2019 there were zero spills or overflows in the collection system. Mr. Calder shared a presentation that demonstrated the various ways they maintain the system to prevent overflow.

Mr. Calder said the total report was available in the meeting materials. Submitting this report to the State allowed financial assistance opportunities for future projects. It also helped the State to ensure each city complied with guidelines.

Chair Handley opened public comment. There was no response.

Councilor Handley congratulated Mr. Calder and his team for a job well done.

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.

**4. Ordinance 2020-37 amending the Zone Map classification of approximately 3.75 acres of real property, generally located at 1487 W 990 S, from Agricultural (A1) to One-Family (R1.10). Sunset Neighborhood. (PLRZ20200209) [\(0:51:45\)](#)**

**Motion:** An implied motion to adopt Ordinance 2020-37 as currently constituted, has been made by council rule.

Aaron Ardmore, Planner, presented. The applicant, Robert Steele, was requesting a zone change from the Agricultural (A1) zone to the One-Family (R1.10) zone for four parcels of land around 1487 West 990 South. The proposed zone would require ten thousand square foot residential lots on the 3.75 acres of land. Mr. Steele proposed this zone to subdivide one single family lot on the northwest of the westernmost parcel. Since the lot proposed relies on the Kelshaw Lane road and utilities being developed, the subdivision would need to wait on the completion of those improvements. Staff and the Planning Commission recommended approval.

Chair Handley opened public comment, there were no comments.

Councilor Ellsworth was continuously concerned with sprawl. She preferred diverse development and thought this was more of the same. She wanted a better housing mix. Ms. Ellsworth wanted to evaluate some of those policies in the future.

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.

5. **\*\*\* CONTINUED\*\*\*An ordinance amending Chapter 9.25 and related Sections of Provo City Code. (20-118)**
6. **\*\*\*CONTINUED\*\*\*An ordinance amending the Zone Map classification of approximately 1.91 acres of real property, generally located at 1555 N Canyon Road, from General Commercial (CG) to Campus Mixed Use (CMU). Carterville Neighborhood. (PLRZ20200085)**
7. **\*\*\*CONTINUED\*\*\*An ordinance amending the Provo City General Plan map designation from commercial to residential for real property located at 1555 N Canyon Road. Carterville Neighborhood. (PLGPA20200062)**

Adjournment

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The meeting was adjourned by unanimous consent at approximately 6:30 p.m.