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## PROVO MUNICIPAL COUNCIL

Redevelopment Agency of Provo

Storm Water Service District

Regular Meeting Minutes

5:30 PM, Tuesday, June 02, 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

Mayor Michelle Kaufusi

Chief Administrative Officer Wayne Parker

Council Attorney Brian Jones

Council Executive Director Cliff Strachan

Conducting: Council Chair George Handley

**Prayer** – David Harding

**Pledge of Allegiance** – David Shipley

Chair Handley took a few moments to give the following statement:

[\(0:10:50\)](#)

*"I wanted to take a moment to say something before we begin our meeting about the shocking death of George Floyd and the recent protests across the nation and here in Provo. Let me start by saying that as a white man, I recognize the responsibility I have to acknowledge the many small and large ways in which I am advantaged in this society. I feel it is my responsibility to be more aware of benefits that I don't deserve and to do what I can to increase and equalize benefits for all. I used to think racial relations were on a kind of inevitable track of improvement. I no longer believe that to be the case. Every generation must be vigilant. To say that racial bias exists in our society is not to point fingers of blame at any one person or group of people. Indeed, it is simply to acknowledge the fundamental fact of our human propensity to judge and categorize people by their race, their language, their gender or sexuality, their religion, or their income level, their political affiliation or educational or professional backgrounds. We tend to categorize or essentialize groups by focusing on the worst and most negative rather than on the best. We are all vulnerable to this great flaw, and while it isn't always dangerous, at its worst it leads to violence and even death. We may not be able to escape bias entirely, but we can certainly become more aware of one another by listening, deliberately forging friendships across the various boundaries that divide us and seek and celebrate both the common ground we share with others and the wonderful differences we each bring to the table.*

*I did not have the time to share my comments with my fellow councilors before this meeting so I am hesitant to speak for them, but I know that we are all united in our opposition to bigotry and racism and that we strive as a council for a city community that is inclusive and welcoming of all people and that protects and promotes the rights of all of our citizens. We don't always get this right as a city, but we as*

*a council (and I know the administration feels similarly) are committed to working harder and to doing more to improve in this regard. We are grateful for the protests we have seen here in Provo and we recognize the deep hurt and anxiety that inspired them. I participated in my first protest when I was 17 years old and it was both frightening and thrilling to engage in a public display of concern. This is a wonderful American tradition. We are especially grateful that the protests have been peaceful. They have proven that protests don't have to be violent to be heard. We are also grateful for our Mayor and our Chief of Police Ferguson who have already for a number of years been proactively working to create a safe and respectful environment for all. Because we lost one of our officers, Officer Joseph Shinnars just recently, with honor and gratitude we recognize that our police officers risk their lives every day for our safety. We are immensely grateful for their service and do not take it for granted. I recently watched a video of a Provo police officer and a black protester hugging on Center Street and it made me proud of our community.*

*Let us take this opportunity to be less reactive and resentful, especially of situations that play out elsewhere across the nation. Instead let's be more proactive right where we live. Let's make fewer assumptions and ask more questions of each other. With civility and compassion, let's listen to the concerns right here among our own. If you don't have friends who are of a different race or religion, get to work on changing that. If you don't know an officer in Provo, start now to make those connections. If you don't know our racial history as a country, commit to read and learn more. And if you have concerns, approach us in the city and let us listen and learn from you about how we can better serve you. We are only as good as we collectively decide we will be. Let's get to know the various communities that make up this great city and let's commit to do all that we can to be more compassionate, caring, and inclusive, to be better listeners and to be more careful and slow in our judgments."*

**Public Comment** ([0:16:20](#))

Chair Handley opened public comment, there was no response.

**Action Agenda**

*The second agenda item was presented first because the Public Hearing for the Public Infrastructure District could not take place until after 6 p.m.*

**2. Ordinance 2020-18 amending Provo City Code to enact the Very Low Density Residential (VLDR) Zone as Chapter 14.14F. Citywide Application (PLOTA20200120) ([0:20:23](#))**

**Motion:** An implied motion to adopt Ordinance 2020-18 as currently constituted, has been made by council rule.

Javin Weaver, City Planner, presented. He explained the Community and Neighborhood Services Department on behalf of the Provo Municipal Council had requested to amend the Provo City Code to add the Very Low Density Residential (14.14F) zone. There was no proposed development requesting to utilize this zone. The proposed zone would have a minimal impact on a neighborhood due to the density limitation and could facilitate as a buffer between One Family Residential (14.10) and Low Density Residential (14.14A) zones. The proposed zone would require the residential units to follow the Residential Design Guidelines which would result in a higher quality of housing within the neighborhood.

Councilor Harding noted the proposed text in 14.14F.100 said that prior to the issuance of a building permit for any multiple residential project over two dwelling units, a contract must be entered into between Provo City and the developer agreeing to a determining occupancy based on a given number of parking spots. He wanted to know how the occupancy would be determined. It was unclear whether this was at the discretion of Development Services. Mr. Harding also wanted to know if this would be recorded as a covenant that would run along with the property. He was concerned that if the number of parking stalls per occupant changed, this would be fairly inflexible. Mr. Weaver explained that the occupancy was based upon one family or three singles per unit, according to section 14.37 of Provo City Code.

Councilor Ellsworth asked if the statement regarding parking and occupancy was different from other zones. Mr. Weaver explained this was the same as LDR, MDR, HDR zones. Councilor Ellsworth also wanted to know how this was different from an R.10 zone. Mr. Weaver said in an R1.6 zones, you could have 7.26 units per acre. In the VLDR it was 7 units per acre. The other difference was the ability to have one family attached and one family detached, as well as two family attached townhomes. It allowed for multiple housing types to be intermixed within the neighborhoods.

Councilor Harding spoke about the height limit. He noted the maximum was height limit was 30 feet and the maximum main floor elevation was 30 inches above the lowest adjacent street curb elevation. He thought if a property were sloped, there could be a fairly low street curb elevation which could limit development. Mr. Weaver said this would adjust with the topography. This provision was also in the LDR, MDR, and HDR zones.

Chair Handley opened public comment, there was no response. 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.

**1. A public hearing to adopt Resolution 2020-18 creating a Public Infrastructure District for the medical school and associated housing. (20-090) (0:33:11)**

**Motion:** An implied motion to adopt Resolution 2020-18 as currently constituted, has been made by council rule.

Dixon Holmes, Deputy Mayor, presented. This request had been presented to the council in previous work meetings. The request was to create a Public Infrastructure District (PID) to provide a financing mechanism for the removal of former landfill debris and the installation of utilities and infrastructure for the housing that would be built at the medical school. Because the land was formerly a landfill, there was an extraordinary cost to providing infrastructure.

Public Infrastructure Districts were created by the State Legislature several years earlier for financing public infrastructure. The City could receive future requests and Mr. Holmes recommended that PIDs should only applied to commercial, industrial, institutional, and perhaps multi-family housing. He did not recommend this for single-family residential developments. The primary reason for this recommendation was because this would result in a tax in addition to property taxes. The tax was applied directly to the district and in the case of single-family developments, the ultimate taxpayer would be the property owner and that could change over time.

Chair Handley opened public comment, there was no response.

Councilor Fillmore asked for a review of the financial mechanics of implementing the district. Mr. Holmes explained the cost to remove the former landfill was extraordinary. The developer would bond for the improvements and the tax generated would pay back the bonds over the course of the life of the bond.

Chair Handley called for a vote on the implied motion.

Councilor Fillmore disclosed that he had done a significant amount of legal work for Rocky Mountain University in the past but not recently. He did not feel it was necessary recuse himself.

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

**3. An ordinance amending the zone map classification from Residential Agricultural (RA) and A1.5 to R1.7 for approximately 18.5 acres of property located at 901 W 1560 S. Lakewood Neighborhood (PLRZ20200079) (0:44:05)**

Brian Maxfield, City Planner, presented. The applicant was requesting rezoning of approximately 18.5 acres from the Residential Agricultural (RA) and the A1.5 Agricultural Zones to the R1.7 Single-family Residential zone. The rezoning would facilitate the development of a residential subdivision that would contain approximately 54 single-family residential lots. The current land use designation for the project was Residential, as shown on both the General Plan Map and the Southwest Area Land Use Map. The proposed concept plan would comply with the maximum density of four units per acre (net) called out in the Westside Development Policies.

This property was not adjacent to another development, and this type of leapfrog development was concerning to the neighbors. However, Mr. Maxfield said it was not leapfrog in terms of infrastructure, which was in place.

The property was in the flood plane and fill would have to be brought in, so the homes are built above the flood plane level. Mr. Day said there had been some flooding in the nearby Lakewood Subdivision, but that development was four feet lower than this development would be. After they recognized the flooding issue in the Lakewood Subdivision, additional standards had been implemented to prevent this from happening again.

The site plan showed four units per acre, but R1.7 zoning would allow for more. Councilor Harding noted the Westside Development Policies for this area called for no more than four units per acre. He asked if there was anything that would prevent R1.7 densities from being built, further, why not just rezone it to R1.10 which would match the site plan. Mr. Maxfield explained the intention was to allow some variety with lot sizes so they would not all be identical, but the net density would be four units per acre.

The applicant, Chris Ensign, was given time to speak. He offered to proffer a development agreement to ease Councilor Harding's concerns. He spoke about the process for bringing in a good quality infill. The price range for the homes would be similar to the nearby Osprey development.

Chair Handley invited Becky Bogdin, Lakewood Neighborhood Chair, to speak. Ms. Bogdin said this property was bordered on both sides by animals and on the other side was Lakeview Parkway. She wanted to know what type of fence would be built. She was also concerned about the infill because the surrounding farmlands would be a lower elevation. She requested to have a continuance to collect more neighborhood feedback.

Chair Handley opened public comment. There was no response.

Councilor Hoban said he would feel more comfortable if there were a development agreement in place. He supported Ms. Bogdin's request to collect more feedback from the neighborhood. He also wanted to know if there were plans for a dike. The applicant responded that there were several practices to contain runoff on site to protect the surrounding farms.

Chair Handley spoke about the name of the development: Herons Landing. He hoped the development would provide something for the bird population, if necessary. He was unsure of how the birds would be impacted by the development. Chair Handley wanted a name that would honor the location's past, rather than being ironic.

Councilor Harding requested to continue this to the next meeting and requested to use Open City Hall to collect input.

**Motion:** Chair Handley moved to direct staff to make this item available for comment on Open City Hall. Councilor Hoban seconded the motion.

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

4. **An ordinance amending Provo City Code relating to permitted uses and yard requirements of the M1 Light Manufacturing Zone. Citywide application. (PLOTA20200117)**  
**\*\*\*CONTINUED\*\*\***
5. **An ordinance adopting a budget for Provo City Corporation for the fiscal year beginning July 1, 2020 and ending June 30, 2021, in the amount of \$292,939,096. (20-008) ([1:42:32](#))**

David Mortensen, Budget Officer, presented. Mayor Kaufusi presented the Tentative FY2020-2021 Budget at the May 5, 2019 Council Meeting. There was another presentation of the Tentative Budget when it was approved on the May 19, 2019 Council Meeting. Utah State Code requires municipalities which are the size of Provo City to first have a Tentative Budget to allow for residents and Councilors to be aware of what the budget will be. The code also requires the use of public hearings to allow the Councilors, who establish the City Budget by law, to be aware of elements in the budget of which they are concerned. It is an extra step which gives those residents who choose to engage a voice in the matters of the City. This is the first of two public hearings. The FY2021 budget was \$292,939,096. Mr. Mortensen reviewed the budget summary with the Council.

Chair Handley opened public comment, there was no response.

### **Redevelopment Agency of Provo**

Chair Handley adjourned the Municipal Council and convened the Redevelopment Agency. Redevelopment Agency Vice Chair Shannon Ellsworth presided.

- 6. A resolution adopting a budget for the Redevelopment Agency of Provo City Corporation for the fiscal year beginning July 1, 2020 and ending June 30, 2021, in the amount of \$1,299,333. (20-009) (1:50:22)**

Redevelopment Agency Vice Chair introduced the item. David Mortensen gave a brief overview of the item. (1:50:54) The total budget for FY2021 was \$1,171,617. The Redevelopment Agency is a separate governmental entity created by Provo City under Title 17 of the Utah Code which governs "community development and renewal agencies." The Redevelopment Agency also administers federal grants on behalf of Provo City that relate to community development and housing. The tentative budget has been approved and this is the first of two public hearings needed to approve the FY 2020-2021 Redevelopment Budget.

Vice Chair Ellsworth opened public comment, there was no response.

Councilor Fillmore asked a question about the status of the CARES Act funding, the administration was invited to respond. Wayne Parker, CAO, addressed the Council. (1:54:26)

The meeting of the Redevelopment Agency was adjourned, and the meeting reconvened as the Stormwater Service District.

### **Stormwater Service District**

- 7. A resolution adopting a budget for the Provo City Stormwater Service District in the amount of \$6,704,839 for the fiscal year beginning July 1, 2020 and ending June 30, 2021. (20-010) (1:58:28)**

Chair Handley introduced the item and reminded the public that Open City Hall was open for feedback on the budget. David Mortensen, Budget Officer, presented. The Stormwater Section of the Public Works Department is responsible to protect life and property from flooding and keep the public street system from being encumbered with flood water during rainstorms and spring snow melt runoff. This is the first of two public hearings to solicit feedback and input from residents regarding the FY 2020-2021 Stormwater Budget.

Chair Handley opened public comment, there was no response.

### **Adjournment**

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The meeting was adjourned by unanimous consent at 7:30 p.m.