

Please Note – These minutes have been prepared with a timestamp linking the agenda items to the video discussion. Electronic version of minutes will allow citizens to view discussion held during council meeting.



PROVO MUNICIPAL COUNCIL

Redevelopment Agency of Provo

Regular Meeting Minutes

5:30 PM, Tuesday, September 15, 2020

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

Councilor Travis Hoban

Pledge of Allegiance

Councilor Shannon Ellsworth

Presentations, Proclamations, and Awards

Chair Harding recognized the retirement of Robert West, City Attorney, as well as David Graves, Provo City Engineer.

1. **A presentation of the 2020 Best of State Award to Provo Parks and Recreation. (20-126)**
[\(0:12:26\)](#)

Mayor Michell Kaufusi and Scott Henderson, Director of Parks and Recreation, presented. Provo Parks and Recreation had been named Best of State in the Public Sector Parks and Recreation category. They shared a video highlighting the services offered by the department. **[\(0:16:48\)](#)**

2. **A presentation of the Provo City Justice Court Annual Report. (20-127) [\(0:19:30\)](#)**

Judge Vernon F. Romney presented the Justice Court annual report. The report included statistics, changes made due to the COVID-19 pandemic, and explained the types of cases handled by the Justice Court. Judge Romney also spoke about some of the programs offered by the Justice Court, including a mental health program.

Public Comment **[\(0:33:20\)](#)**

Chair Handley opened public comment, there was no response.

Action Agenda

3. A joint resolution of the Provo City Mayor and Municipal Council outlining support for the Provo School District General Obligation Bond. (20-115) ([0:36:17](#))

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

Clifford Strachan, Council Executive Director, introduced the item. At the joint meeting between the Provo City Council and Provo School District Board, there was a discussion about the need to reconstruct Timpview High School. In order to pay for the reconstruction, the Provo School District Board planned to place a General Obligation Bond on the November 2020 ballot. The bond was the least expensive and disruptive of all the option before the school board and for the citizens of Provo. This item had been continued from the September 1 meeting.

Substitute Motion: Chair Handled moved to change the resolution from a joint resolution of the Provo City Mayor and Municipal Council to a resolution of the Provo City Municipal Council only. Councilor David Sewell seconded the motion.

Councilor Harding was supportive of the motion. There was no other discussion regarding the substitute motion.

Chair Handley called for a vote on the substitute motion.

Vote: The motion was approved 6:0 with Councilors Ellsworth, Handley, Harding, Hoban, Sewell, and Shipley in favor. Councilor Fillmore was excused.

The Councilors discussed the merits of the bond and everyone recognized the imminent need for Timpview High School to be rebuilt. One benefit of the bond was that it was the least expensive option. However, some Councilors voiced concern that Provo School District and its Board had done very little to promote the bond and educate voters. They felt it would be better to give the District more time to take the lead on promoting the bond before passing a resolution of support. ([0:41:04](#))

Mayor Kaufusi said she took resolutions very seriously and wanted to learn more about the bond before she put her name on a resolution. She had a meeting scheduled with Board Member McKay Jensen to learn more.

Substitute Motion: Councilor Hoban moved to continue the item to the next meeting on October 6, 2020. Councilor Sewell seconded the motion.

Chair Handley called for a vote on the substitute motion to continue the item to October 6.

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

4. Ordinance 2020-38 amending Provo City Code to clarify amenity space requirements for developments with 20 or more residential units in the Interim Transit Oriented Development (ITOD) zone. Citywide Application. (PLOTA20200283) (1:02:08)

Motion: An implied motion to adopt Ordinance 2020-38 as currently constituted, has been made by council rule.

Dustin Wright, Planner, presented. This amendment was proposed by Development Services to provide clarity to the existing code. The existing text related to amenity space in the ITOD zone did not clearly define any requirements for the open/recreation space requirement. It only required that 20 percent of the lot had to be open/recreation space, but there was no definition of what that should be.

In other zones that had an amenity space requirement, there were examples of what qualifies as amenity space. In those zones, the amenity space was defined as a percentage of the residential gross floor area (GFA) to be used as a clubhouse, gym, pool, rooftop garden, or other amenity. The Downtown zones require ten percent of the GFA be provided in amenity space. Staff was proposing the same standard for the ITOD zone. Calculating the required area based on the GFA instead of the lot size would provide a more realistic requirement.

The Planning Commission forwarded a positive recommendation.

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.

5. An ordinance amending the zone map classification of approximately 2.31 acres at 4100 N Canyon Road and 3.42 acres at 3956 N Canyon Road from Residential Agriculture (RA) to Residential (R1.10). North Timpview Neighborhood. (PLRZ20200217) (1:07:01)

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

Aaron Ardmore, Planner, presented. He displayed a map to demonstrate the areas that would be included. This was an infill project. A conceptual plan was presented, and the lots proposed met R1.10 zoning standards. Staff and the Planning Commission were supportive of the proposal.

Chair Handley opened public comment, there was no response.

Councilor Ellsworth was opposed and believed this type of project in this location contributed to the pattern of socioeconomic segregation. She believed a smart infill project in this area would have higher density. She desired to have diverse housing types in all parts of the City.

Councilor Fillmore thought this development was a good fit for this location. He believed the best place for low density was near city centers and transit hubs.

Mr. Ardmore said the Riverwoods area had increased its density quite a bit over the past few years with a number of townhomes and apartments. He acknowledged there were clusters of single family detached homes in this part of the City but that was to be expected.

Councilor Sewell thought there was a high demand for this type of housing in the proposed area. Mass transit options were not easily accessible in this part of the City, and it made the most sense to keep higher density housing near mass transit.

Councilor Harding was undecided but believed that communities were more sustainable when there were diverse housing types.

Chair Handley was appreciative of the discussion but was not convinced that there was not enough information about the housing types in the area. He wanted more data before making assumptions about the distribution of housing types.

Councilors Harding and Ellsworth desired to have a second hearing on this item with more data about distribution of housing types.

6. Ordinance 2020-39 amending Chapter 9.25 and related Sections of Provo City Code. (20-128)
(1:32:34)

Motion: An implied motion to adopt Ordinance 2020-39, as currently constituted, has been made by council rule.

Brian Jones, Council Attorney, presented. The Governor of Utah had delegated authority to local government to determine if mask mandates were necessary for combating COVID-19. On August 25, 2020, The Provo Municipal Council passed an ordinance initiating Section 9.25 and amending Section 9.17 of Provo City Code, this was done to address the health issues caused by COVID-19. On August 27, 2020, the Council held a special meeting to override the Mayor's veto since the passage of the ordinance there had been discussions about making possible changes to Section 9.25. Mr. Jones explained these changes were mostly intended to clarify the existing ordinance. However, this was a new ordinance and would be subject to veto and referendum, but a veto or referendum would only undo the updates, not the underlying ordinance.

Councilor Fillmore had suggested most of the proposed amendments. His initial concern was to eliminate the individual penalty for refusing to wear a mask, he was opposed to the penalty philosophically and personally, but understood most of the Council disagreed with him and did not press the issue. He did ask the Council if anyone else had concerns about section 9.25.030 which discussed large public gatherings. Indoor gatherings were limited to 50 people, whether or not social distancing was possible, and outdoor gatherings were limited to 25, when social distancing was not possible. He felt this was confusing and preferring the limitations be the same.

Councilors Harding, Ellsworth, and Handley were amenable to decreasing the number of people allowed at an indoor gathering to 25 people for the sake of consistency and public safety, however, Mr. Fillmore's suggestion was to raise the number allowed at an outdoor gathering to 50. Councilor Hoban Agreed with Mr. Fillmore and thought it would be acceptable to raise the number to 50, regardless of whether the event was indoors or outdoors, but he wanted to avoid more restrictive changes, especially considering that a referendum had been filed on the original ordinance. Councilor Sewell also preferred

not to make any further substantive changes. Later, Councilor Harding agreed it was better to leave the section on public gatherings the same and only make the proposed and presented changes.

Minor corrections were made to the version displayed on the screen because there were some inconsistencies with the version that had been sent to Council earlier in the day. A motion was needed to adopt the version on the screen.

Substitute Motion: Councilor Fillmore moved to adopt the version of the ordinance shown on the screen as the subject of the implied motion. Councilor Harding seconded the motion.

Chair Handley called for a vote on the motion.

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

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.

After the vote, it was recognized there had been no public comment. Mr. Jones noted that public comment was not required because it this item did not require public hearing; it was just something that was customary for the sake of transparency. Chair Handley opened public comment.

Mary Ann Nielson, Provo, spoke in opposition to the mask requirements and asserted it was unconstitutional. ([2:00:28](#))

- 7. ***CONTINUED*** The Development Services Dept. requests a Zone Change from Neighborhood Shopping Center (SC2) to Medium Density Residential for approximately 11 acres, located at 1920 W Center Street. Fort Utah Neighborhood PLR220200282**

Adjournment

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