

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

### Work Meeting Minutes

12:00 PM, Tuesday, December 01, 2020

Electronic meeting: [youtube.com/provocitycouncil](https://www.youtube.com/provocitycouncil)

#### Agenda ([0:00:00](#))

#### Roll Call

The following elected officials participated:

Council Chair George Handley, conducting  
Council Vice-chair David Harding  
Councilor Bill Fillmore, arrived 1:05 PM  
Councilor Shannon Ellsworth  
Councilor Travis Hoban  
Councilor David Shipley  
Councilor David Sewell  
Mayor Michelle Kaufusi, arrived 12:10 PM

#### Prayer

Councilor David Harding offered the prayer.

#### Business

**1. A discussion regarding the preservation of Bridal Veil Falls for natural and recreational purposes. (20-246) ([0:14:44](#))**

Council Chair George Handley outlined the background of this discussion item. As part of the City Council's efforts regarding foothills and canyon preservation in the City, the Council wished to speak to the issue of the future of Bridal Veil Falls as the County Commission engages in discussions on the same. Councilors briefly discussed the item and whether a jointly issued letter or a resolution would be more effective in conveying the Council and Mayor's message. Mayor Michelle Kaufusi also suggested an emissary of the Council read the letter into the Commission's public comment. Councilors loved the Mayor's idea to present the letter in person at the Commission meeting. Mr. Handley invited a motion regarding the Council's consideration of the resolution at the meeting later that evening.

**Motion:** Shannon Ellsworth moved to place the resolution for adoption on the Council Meeting that evening. Seconded by David Shipley.

**Vote:** Approved 6:0, with Bill Fillmore excused.

**2. A discussion regarding Impact Fees and how they apply to non-profit home builders of low income housing. (20-241) (0:28:04)**

Brian Jones, Council Attorney, shared background information on impact fees, including the authorization in State law regarding use and management of impact fees, including exemptions. Councilor David Shipley expressed that he was not interested in allowing exemptions for (and therefore subsidizing) regular developers who would just put in 20% low-income housing to get the discount or benefits. John Magness, Policy Analyst, shared details on the City's impact fees. Mr. Magness shared examples of the parks and recreation impact fees for various types of new developments to illustrate how different policies could affect the calculation. Mr. Magness highlighted several other policy considerations relating to impact fees.

Councilor David Harding expressed appreciation for Mr. Shipley's earlier comments. He noted that impact fees had real costs and expressed concern with a recent State law that was diverting City money to other areas in the state. Mr. Harding felt that having projects incorporate a certain percentage of affordable units was a great way to encourage more housing types throughout the City. Councilor Shannon Ellsworth was interested in this topic and noted the Housing Committee could discuss it further. Mr. Shipley referenced his earlier concern and wondered how a policy could be structured to avoid these situations. Mr. Jones recommended the committee study it, but a possible way could be to identify a percentage threshold which could be used as a criteria.

**Motion:** Shannon Ellsworth moved to delegate the discussion of impact fees for low-income and affordable housing to the Housing Committee for further review and recommendations. Seconded by David Harding.

**Vote:** Approved 6:0, with Bill Fillmore excused.

**3. A presentation from Utah Strong Recovery Project regarding the resource they have available mental health. (20-242) (0:53:13)**

Cindy Wilmshurst, a crisis counselor with the Utah Department of Human Services, presented. Ms. Wilmshurst shared details on the Utah Strong Recovery Project, which is a FEMA-funded initiative in all 50 states. Data has shown that approximately 20% of people are struggling with impact of stress of COVID-19 on their well-being. She shared a video highlighting more information. She noted that most counselors involved with the program have been FEMA-trained for disaster response, which is typically localized and time-limited. Pandemic response is very different in nature, but many of the skillsets of the counselors apply in this context as well. She observed that this high rate of stress is a very common response to a very uncommon experience, such as a pandemic. *Presentation only.*

**4. A presentation from Brigham Young University students regarding ways to make Provo more livable to students at the university. (20-243) (1:12:34)**

Robert Mills, Planning Supervisor, introduced the presentation and then turned the time to the BYU student group. Spencer Duncan, student, presented. He noted that students pay high rents for low livability. Their group has been collaborating with BYU's Y-Serve on quarterly service activities geared at improving housing in the campus area. Y-Serve has the organizational

structure needed to mobilize volunteers and there is a lot of interest at BYU in the civic engagement minor and other programs which could incorporate these types of activities as a class assignment to add further momentum. In response to a question from Councilor Shannon Ellsworth about the quality of living conditions, Mr. Duncan explained that many complexes and apartments are poor quality. This perpetuates students not feeling invested in the places they live and is a barrier to engaging students in the broader community and neighborhoods. Zeke Peters, student, shared more about other initiatives to involve students more in local government. They have formed a social media committee which can help provide Provo with direct information about students; in return, the City can share direct information geared toward students. Councilor George Handley thanked the class for their work on these projects. *Presentation only.*

**5. A presentation regarding a pre-proposal to rezone property located at 50 East 3900 North from Residential (R1.10) to Low Density Residential (LDR). Riverbottoms Neighborhood. (20-244) ([1:34:04](#))**

Dan LaFontaine, applicant, shared background on his proposed development and the history with the application review process, neighborhood feedback, and other project constraints. In response to a question from Councilor David Shipley regarding the average square footage and starting price, Mr. LaFontaine indicated the units ranged between 2500-3200 square feet, with prices beginning at \$300,000 depending on the materials and finishes.

Brian Jones, Council Attorney, outlined the procedural framework for this application. A vote at the last Council Meeting failed, meaning that the Council took no action. Mr. Jones noted that a motion for reconsideration must take place in the same meeting in which a vote failed. Councilor David Sewell noted that as Council Chair George Handley had noted, none of the Councilors were aware of the technical problems that Mr. LaFontaine experienced. Mr. Sewell also expressed that Mr. LaFontaine's characterization of the neighbors was not charitable or accurate; he was a valued and respected member of the neighborhood, and the neighbors' concerns were strictly with the compatibility of the project for the site. Councilor David Harding felt that the Low-Density Residential zone was appropriate for the project, noting that he was wary of requesting this return to a Council Meeting if there was not sufficient Council support.

**Motion:** David Harding moved to place this item on a future Council Meeting agenda as an ordinance to either LDR or VLDR. *No second was received and Councilors discussed the motion.*

Mr. Handley and Mr. Sewell both preferred the Very Low-Density Residential zone. Councilor Shannon Ellsworth noted the Council essentially decided no on LDR with their earlier vote; it did not make sense to revisit this when there was already not sufficient support.

**Substitute motion:** David Harding moved to consider a rezone to VLDR. *No second received.*

**Amended motion:** David Harding amended the motion to authorize the Council Chair to place consideration of a rezone to VLDR on the agenda within the next two months if the applicant wished to amend the proposal. Seconded by David Sewell.

**Vote:** Approved 7:0.

## Administration

- 6. A discussion regarding a resolution transferring \$235,000 from the General Fund to the Golf Fund to compensate for Golf Fund operating losses. (20-245) (2:12:19)**

David Mortensen, Budget Officer, outlined this transfer request. This was part of an audit procedure to address deficit fund balances. Scott Henderson, Parks and Recreation Director, shared more background information. He outlined the impacts to the golf course operations during the construction season, along with the additional challenges presented by the pandemic. Brett Watson, Golf Course Manager, explained that the reopening of Timpanogos Golf Club in 2020 has been record-setting. Councilors commended Parks and Recreation on their management and effective implementation of new programming in their facilities.

Councilor David Harding asked whether Parks and Recreation did a transfer to the General Fund, and if so, if that would be a better source for this transfer instead. Mr. Henderson explained that this year, the recreation center had covered its operational costs, but as a result of the revenue losses experienced during the pandemic, they did not carry their usual \$400,000 for future capital needs, nor did they do their usual \$500,000 transfer to the General Fund. *Presentation only. This item is scheduled for the Council Meeting on December 15, 2020.*

## Policy Items Referred from the Planning Commission

- 7. An ordinance amending Provo City Code regarding permitted uses in the Neighborhood Shopping Center (SC1), Community Shopping Center (SC2), And Regional Shopping Center (SC3) Zones and related provision. Citywide Application. (PLOT20190429) (2:32:12)**

Javin Weaver, Planner, presented. Mr. Weaver outlined the process by which staff conducted this review and he highlighted the changes to permitted uses in these zones, including minor consolidations. During the presentation, Councilor Shannon Ellsworth asked for clarification on several points and Mr. Weaver addressed those questions as they arose. Ms. Ellsworth asked about several uses which were permitted in only one of the three zones; staff felt that museums were more appropriate in a regional shopping center zone than in the smaller zones. Councilor David Harding noted some of the idiosyncrasies with the SLU codes system. He hoped that in the future, the City may be able to implement more broader updates to outdated code, but he felt this was a positive step forward. *Presentation only. This item was already scheduled for the Council Meeting on December 1, 2020.*

- 8. An ordinance amending Provo City Code to enact the Open Space, Preservation and Recreation (OSPR) Zone. Citywide Application. (PLOT20200140) (2:51:20)**

Javin Weaver, Planner, presented. Mr. Weaver overviewed the properties which would be impacted in the proposed zone change, including 68 parks, eight trailheads, nine cemeteries, nine greenways, six nature preserves, three recreation ranges, and three golf courses. Of these properties to be rezoned, 103 were owned by the City and one was owned by the federal

government. Councilor Shannon Ellsworth asked what the impetus was for this proposal. Mr. Weaver explained that staff had seen a need to create an open space zone to better represent this intent as is already stated in Provo's General Plan. Many other cities use this type of zone, and where Provo did not have the proper mechanism in place to carry out that general plan goal, staff determined this would be an appropriate solution. *Presentation only. This item was already scheduled for the Council Meeting on December 1, 2020.*

9. **An ordinance amending the Zone Map classification of approx 1,291 acres of property located within the boundaries of Provo City, from various zone classifications to Open Space, Preservation and Recreation (OSPR). Citywide Application. (PLRZ20200304) ([2:51:20](#))**

*This item was presented in tandem with the previous agenda item. Presentation only. This item was already scheduled for the Council Meeting on December 1, 2020.*

10. **An ordinance amending Provo General Plan Sections 1.2.9 and 1.2.10 related to the Key Land Use Policies (North Area Guiding Principles) And Urban Growth and Land Use Annexation. Citywide Application. (PLGPA20200357) ([2:58:57](#))**

Robert Mills, Planning Supervisor, presented. Mr. Mills explained the changes proposed to the text and maps in the affected General Plan sections. Areas 5 and 6 would include properties that should be zoned as the Open Space, Preservation, and Recreation Zone upon annexation into the city. Properties in Area 5 were privately held, while properties in area 6 were publicly owned. The intent was to better communicate the intentions with these properties, which were valued for their open space and recreation potential. Some text was also being amended to discourage the use of PRO or SDP zones in the future. Councilor David Harding had several questions, which he indicated he would defer to the evening meeting. *Presentation only. This item was already scheduled for the Council Meeting on December 1, 2020.*

11. **An ordinance amending Provo City Code to remove references to “Community Development Director.” Citywide Application. (PLOT20200310) ([3:04:49](#))**

Robert Mills, Planning Supervisor, presented. The ordinance text would update the city code to be accurate following the City's departmental reorganization. Councilor Shannon Ellsworth asked about removing gendered language from city code; Mr. Mills and Brian Jones, Council Attorney, indicated that staff have begun drafting language to accomplish this. *Presentation only. This item was already scheduled for the Council Meeting on December 1, 2020.*

12. **An ordinance amending Provo City Code to clarify spacing requirements for accessory structures in the Residential Conservation (RC) Zone. Citywide Application. (PLOT20200291) ([3:07:33](#))**

Dustin Wright, Planner, presented. This text amendment would clarify several elements in the code relating to the RC zone. Most properties in other residential zones do not have major setbacks for accessory buildings like sheds, so this would be edited to be more consistent with other sections in city code. A shed would need to be located at least six feet from a main

building. Councilor David Harding asked whether accessory dwelling units (ADUs) were allowed on areas of properties where a main building would not be allowed. Mr. Wright explained that a separate section of code regulated the setbacks for ADUs. *Presentation only. This item was already scheduled for the Council Meeting on December 1, 2020.*

- 13. An ordinance amending the Zone Map Classification of approximately 0.34 acres of real property, generally located at 590 West 300 South, from Residential Conservation (RC) to Very Low Density Residential (VLDR). Franklin Neighborhood. (PLRZ20200287) ([3:11:57](#))**

Dustin Wright, Planner, presented. He outlined the requested zone change. The VLDR zone would allow for a duplex to be constructed on the proposed subdivided lot at the subject property. The Planning Commission has recommended approval. *Presentation only. This item was already scheduled for the Council Meeting on December 1, 2020.*

- 14. An ordinance amending the Zone Map Classification of approximately 4.6 acres of real property, generally located at 34 S 2530 W, from Agricultural (A1) to Residential (R1.8). Provo Bay Neighborhood. (PLRZ20200156) ([3:14:25](#))**

Dustin Wright, Planner, presented. The applicant plans to subdivide this property to build 15 single-family homes. Mr. Wright reviewed the general plan and future land use map designation for the area. Much of the surrounding property is currently agricultural or adjacent to residential; the future designations for this area are residential. Staff and the Planning Commission have recommended approval, and the proposed subdivision plat was also approved. Councilors asked questions and shared comments on the proposal as well as housing planning in the area.

Councilor David Shipley wanted to revisit sewer capacity on the west side and how to prioritize wastewater capacity on smaller projects, when large projects must be phased to accomplish their projects within the constraints of the wastewater system. Mr. Wright explained that larger developments must happen in phases of up to 40 units at a time. Since this site is only 15 units, Public Works had no concerns about sewer capacity for this site. In response to a question from Councilor David Harding, Mr. Wright shared a site plan illustrating the subdivision layout, including tie-in streets. Mr. Harding had hoped the project would have had more mixed housing. Councilors Shannon Ellsworth and George Handley echoed this desire to promote different housing types and suggested that in the future, staff share data and maps illustrating housing density and concentrations to depict housing trends in different parts of Provo. *Presentation only. This item was already scheduled for the Council Meeting on December 1, 2020.*

- 15. An ordinance amending the General Plan Map Designation of real property located at 1555 N Canyon Road from Commercial to Residential. Carterville Neighborhood. (PLGPA20200062) ([3:24:49](#))**

Aaron Ardmore, Planner, presented on this and the following items together. Initially, staff had recommended denial of this proposal, but since the initial review in August, the applicant has revised their project plan to meet the requirements of the Campus Mixed Use zone. The total number of units has been reduced from 96 to 86, while keeping the original amount of parking.

The units are a mixture of studio, one-, and two-bedroom. Mr. Ardmore also shared renderings regarding how the applicant planned to address storage and landscaping. This revised proposal has received a positive recommendation from both staff and the Planning Commission. This location is ideal for student housing and supports the general plan goal to provide more housing in the area. Councilor Shannon Ellsworth asked why kind of housing this was; she observed that the units did not feel like livable space. Mr. Ardmore indicated it was theoretically planned for married student housing; the applicant would remodel all the units and install stovetops. This proposal demonstrated creative reuse of a building that has presented many problems in recent years. Councilor George Handley asked about the demand for married student housing; Ms. Ellsworth indicated her understanding was that there is continuing demand for that housing type in Provo. *Presentation only. This item was already scheduled for the Council Meeting on December 1, 2020.*

- 16. An ordinance amending the Zone Map Classification of approximately 1.91 acres of real property, generally located at 1555 North Canyon Road, from General Commercial (CG) to Campus Mixed Use (CMU). Carterville Neighborhood. (PLRZ20200085) (3:24:49)**

*This item was presented in tandem with the previous item on the agenda. Presentation only. This item was already scheduled for the Council Meeting on December 1, 2020.*

- 17. \*\*CONTINUED\*\* An ordinance amending the Zone Map Classification of approx. 11 acres of real property, located at 1920 W Center Street, from Community Shopping Center (SC2) to Neigh. Shopping Center (SC1) and Medium Density Residential (MDR). (PLRZ20200282)**

### **Closed Meeting**

The Municipal Council or the Governing Board of the Redevelopment Agency will consider a motion to close the meeting for the purposes of holding a strategy session to discuss pending or reasonably imminent litigation, and/or to discuss the purchase, sale, exchange, or lease of real property, and/or the character, professional competence, or physical or mental health of an individual in conformance with 52-4-204 and 52-4-205 et. seq., Utah Code.

**Motion:** Shannon Ellsworth moved to close the meeting. Seconded by Travis Hoban.

**Vote:** Approved 6:0, with Bill Fillmore excused.

### **Adjournment**

*Adjourned by unanimous consent.*