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PROVO MUNICIPAL COUNCIL Redevelopment Agency of Provo Stormwater Service District of Provo Regular Meeting Agenda

5:30 PM, Tuesday, June 21, 2022

Hybrid meeting: [youtube.com/provocitycouncil](https://www.youtube.com/provocitycouncil) or
351 W. Center Street, Provo, UT 84601

Roll Call

THE FOLLOWING MEMBERS OF THE COUNCIL AND ADMINISTRATION WERE PRESENT:

Councilor Shannon Ellsworth

Councilor Bill Fillmore

Councilor Travis Hoban

Councilor Katrice MacKay

Councilor David Shipley

Councilor Rachel Whipple

Chief Administrative Officer Wayne Parker

Mayor Michelle Kaufusi

Interim Council Executive Director John Magness

City Attorney Brian Jones

Conducting: Chair Travis Hoban

Excused: Councilor George Handley

Prayer – Brian Jones

Pledge of Allegiance – Councilor David Shipley

Public Comment – [\(2:48\)](#)

Chair Hoban opened public comment. With none, he closed public comment.

Action Agenda

1. **A resolution appointing _____ as the Executive Director for the Municipal Council of the city of Provo, Utah. (22-023)**

Continued

2. **A resolution consenting to the appointment of individuals to various boards and commissions (22-009) [\(3:27\)](#)**

Motion: An implied motion to approve Resolution 2022-30, as currently constituted, has been made by council rule.

Mayor Kaufusi presented and recommended the following for appointment: Jenny Spadafora to the Library Board, Cindy Gagon to the Library Board, Bill Hulterstrom to the Airport Board.

Elizabeth VanDerwerken, Council Executive Office Assistant, clarified the names on the resolution and explained that one of the names Mayor Kaufusi read will be voted on next meeting.

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With no other council discussion, Chair Hoban called for a vote.

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

3. An Ordinance Creating Two New Mixed-use Zones and Amending Various Sections related to the regulation of those Zones. Citywide application. (PLOTA20220144) [\(10:12\)](#)

Motion: An implied motion to approve an Ordinance, as currently constituted, has been made by council rule.

Javin Weaver, City Planner, presented. He clarified changes made since the last presentation.

Councilor MacKay shared concern for lighted signs close to residential zones.

Mr. Weaver responded that there have not been any complaints on existing backlit signs and said he does not see it being an issue. He added that the brightness of the signs permitted is already regulated by code.

Councilor Whipple asked if there is any consideration for allowing a lit sign if it was across from single family homes.

Mr. Weaver stated that these locations are on collector or arterial roads, so they are primarily not affecting single family homes.

Councilor Whipple shared that she lives on one of these roads and can see the potential for signs to be added. She asked if electronic signs would be permitted in this zone.

Mr. Weaver responded that as it is currently written, it would allow electronic signs. He suggested an amendment to prohibit electronic signs or adding time frames of when the sign could be on.

Councilor MacKay agreed that an amendment is necessary.

Councilor Fillmore asked Mr. Weaver for feedback on the amendments being proposed and discussed.

Chair Hoban asked Brian Jones for information on what the city can prohibit based on law.

Mr. Jones provided history of zones. He explained that the sign committee determined electronic signs could be used citywide except for residential areas. He added that there were provisions in place as far as brightness and hold times. Mr. Jones also clarified that the ordinance to be voted on simply creates the zones. He stated that future rezones would go through an ordinance process, which is when the council could determine if the permitted signs would be appropriate for the area to be rezoned.

Motion: Councilor Fillmore made motion to continue item to discuss mixed-use zones to determine where signs can be in respect to residential zones and the size of the sign. Councilor MacKay seconded motion.

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Councilor Ellsworth asked if public comment is required prior to voting on a motion to continue.

Brian Jones answered that public comment is not required to continue item.

Councilor Whipple thanked staff for their dedicated work and help to make it possible for a mixed-use zone to be created within the city.

Mr. Weaver asked question regarding the type of residential use that Mr. Fillmore would not want the sign facing.

Councilor Fillmore said he would prefer the sign not to face any type of residential use.

Councilor MacKay stated she agreed with Councilor Fillmore.

Councilor Ellsworth asked if all zones and sign ordinances would need to be looked at to address signs facing residential zones or if these recommendations would only apply to the new mixed-use zones.

Councilor Fillmore responded that his intention was not to rewrite all zones but apply it to these new ones.

Chair Hoban shared residents moving into a mixed-use zone would be understanding and acknowledge they are moving into an area that permits signs. He stated his belief that signs are an essential part of mixed-use zones to allow businesses to promote themselves. He shared an example of the Alpine Village structure located on Freedom Blvd.

Councilor Fillmore noted that the example he provided was for an existing zone, but they are discussing the requirements for a new zone.

Councilor Ellsworth also provided an example of a sign located in Orem that affected the surrounding residents.

Chair Hoban shared that he is trying to be sensitive to both uses of the zone.

Councilor MacKay shared the differences between the examples provided by Chair Hoban.

Chair Hoban suggested the council pass a more conservative ordinance now, then expand on things later if necessary.

Councilor Whipple mentioned the Cityview apartments on 300 South. She said this is a perfect example of what a good balance looks like.

Chair Hoban reminded council of the motion by Councilor Fillmore and suggested a vote.

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

4. An ordinance amending the zone map classification of approximately 6.3 acres of real

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property, generally located at 1265 South 500 West, from One-Family Residential (R1.8) to Public Facilities (PF) and OPR. Lakewood Neighborhood. (PLRZ20220121) (33:18)

Motion: An implied motion to approve Ordinance 2022-22, as currently constituted, has been made by council rule.

Mr. Weaver presented.

Chair Hoban opened public comment.

Becky Bogdin, neighborhood chair shared why this rezone is needed and shared what improvements the neighborhood would like to see. She also discussed the master plan from 2016 that included and reminded council that the 2016 master plan was completed prior to the expansion and population increase in the neighborhood.

With no other public comments, Chair Hoban closed public comment.

Councilor Fillmore shared his support for the rezone.

Chair Hoban called for a vote.

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

5. An ordinance amending the permitted uses in the West Gateway (WG) zone. Citywide application. (PLOTA20220117) (39:36)

Motion: An implied motion to approve an Ordinance, as currently constituted, has been made by council rule.

Sione Manoa, City Planner, presented.

Councilor Ellsworth asked if the applicant was present in the audience.

Mr. Manoa responded that he did not see the applicant present.

Chair Hoban opened public comment. With none, he closed public comment.

Councilor Shipley shared that he is not in support of changing the entire zone but would be happy to entertain a certain project within the zone.

Councilor MacKay said she believes this would be a poor use of the gateway area.

Chair Hoban asked if the planning commission recommended the applicant request a zone change for his specific parcel.

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Councilor MacKay answered that it had been brought up but that the commission had problems with the applicants parcel as well. She mentioned a few of the concerns which include parking, visibility, and presentation.

Councilor Whipple shared her concern and opposition to changing the entire zone.

Councilor Ellsworth stated it was a bold proposal in today's economy.

Councilor Fillmore added that the plan for the West Gateway zone is to enhance the gateway. He recommended the applicant meet with planning to discuss the future of the zone.

Chair Hoban called for a vote.

Vote: The motion failed 0:6 with Councilors Ellsworth, Fillmore, Hoban, MacKay, Shipley, and Whipple opposed and Councilor Handley excused.

6. A resolution approving an Interlocal Cooperation Agreement authorizing Provo City's participation in the Utah Valley HOME Consortium for federal Fiscal Years 2023, 2024, and 2025. (22-054) [\(48:25\)](#)

Motion: An implied motion to approve Resolution 2022-31, as currently constituted, has been made by council rule.

Melissa McNalley, City Planner, gave presentation on what the Utah Valley HOME Consortium is. She explained that Provo is the Lead Entity in the Consortium. She also added what the funds could be used for.

Councilor Shipley asked why some cities choose not to participate.

Ms. McNalley said that surrounding cities are invited to participate each time the program is renewed but some choose not to. She does not know why but speculates some may not understand what the Consortium does.

Councilor MacKay asked about Provo's participation.

Ms. McNalley shared the city has received less applicants in the last couple years.

Councilor MacKay asked if more advertising could be done to attract more applicants in Provo.

Ms. McNalley also shared the home median values and how they create problems for the funding programs. She said they are trying to look into other options for the down payment assistance program.

Chair Hoban opened public comment. With none, he closed public comment.

Chair Hoban called for a vote.

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

7. A resolution appropriating \$238,557 in various funds and transferring \$63,557 from the Legacy CIP Fund. (22-053) [\(59:45\)](#)

Motion: An implied motion to approve Resolution 2022-32, as currently constituted, has been made by council rule.

Kelsie Zarbock, Budget Officer, presented.

Councilor Fillmore asked about the actual funding needed for the Peaks Ice Arena.

Councilor MacKay shared her thoughts on Public Works needing their own board to help make these types of decisions.

Chair Hoban asked what the plan is to help recuperate the funds being appropriated.

Ms. Zarbock responded that this year the plan is to use fund balances. She said moving forward, the department would have to find solutions and look into a possible rate increase.

Councilor Shipley suggested that the funding source on Exhibit A be listed as fund balance. He asked if the fund balances being used were from each department's funds or from the general fund.

Ms. Zarbock explained that they were the department's fund balances being used except for the third appropriation for Council.

Chair Hoban opened public comment. With none, he closed public comment.

Councilor Ellsworth asked if the funds being asked for will be used for the Council Chambers and the Work room.

John Magness said this would cover the cost of both. He said that for closed meetings, they would use the laptop, similarly to how it is being done now.

Chair Hoban said he would prefer to improve what we currently have, and more money might be needed later.

Mr. Magness said they could look into improvements for closed meetings.

Councilor Ellsworth suggested that the number be rounded up to \$70,000 include those improvements.

Brian Jones reminded staff that appropriations require noticing and the amount cannot be increased.

Chair Hoban called for a vote.

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

8. An ordinance adopting a tentative budget for Provo City Corporation for the fiscal year beginning July 1, 2022, and ending June 30, 2023, in the amount of \$384,034,697, setting a public hearing to consider a proposed change in the certified tax rate, and amending the Consolidated Fee Schedule and Provo City Code section 4.04.050. (22-016) [\(1:14:12\)](#)

Motion: An implied motion to approve Ordinance 2022-23, as currently constituted, has been made by council rule.

Ms. Zarbock presented updates to the tentative budget and clarified the corrections made since June 7.

Councilor Fillmore asked if Public Works is eight million dollars in deficit.

Ms. Zarbock explained that if you looked at the budget in its entirety, it would not show the deficit. She reiterated that the document she had been presenting from only included the line items of changes made since the last meeting.

Councilor Fillmore asked Wayne to provide context to which projects would not be funded.

Wayne Parker provided more information. He said council would be advised on what project is being put on hold or if other funding sources will be sought for those projects.

Chair Hoban opened public comment. With none, he closed public comment.

Chair Hoban called for a vote.

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

The Provo Municipal Council took a 10-minute recess.

9. A Joint Resolution for a Memorandum of Understanding with Smith's and the Parties' intent to consider incentives for a future development. (22-050) [\(1:37:06\)](#)

Motion: An implied motion to approve Resolution 2022-33, as currently constituted, has been made by council rule.

Keith Morey, Economic Development Director, presented.

Chair Hoban opened public comment.

Rick Magness, AWA Engineering, said this project has made its way to the top of the project list for AWA. He expressed his thanks to the staff for their support for the project.

Councilor Ellsworth asked if Mr. Magness works for Kroger and is representing the company.

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Mr. Magness said he works for the engineering firm that represents all the Kroger and Smiths in the Intermountain West.

Councilor MacKay thanked Mr. Magness for being here to represent the project and said it is good news.

Becky Bogdin, of Provo, shared the neighborhoods support for this project.

Chair Hoban closed public comment.

Councilor Fillmore asked for a firm commitment that this project will be moving forward instead of being a placeholder.

Mr. Magness said yes, this project will move forward.

Chair Hoban thanked staff for their efforts in moving this project forward. He then called for a vote.

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

10. A joint resolution of Provo City Corporation and the Redevelopment Agency of Provo City announcing their intention to prepare a Joint Development Agreement for the development of commercial development in Southwest Provo. (22-050) [\(1:45:37\)](#)

Motion: An implied motion to approve Resolution 2022-34, as currently constituted, has been made by council rule.

Mr. Morey shared that this is the same type of agreement as the previous agenda item. He provided background to the property.

Chair Hoban opened public comment.

Becky Bogdin, of Provo, shared her thoughts on the need for retail property in Southwest Provo. She asked for the staff to take into consideration the residents in the area.

Chair Hoban closed public comment.

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

The Provo Municipal Council recessed and convened as the Governing Board of the Provo City Stormwater Service District with Chair Hoban conducting.

Stormwater Service District

11. A public hearing regarding a budget for the Provo City Stormwater Service District for the Fiscal Year Beginning July 1, 2022 and Ending June 30, 2023. (21-016) [\(1:51:33\)](#)

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Ms. Zarbock explained this is the second of two public hearings.

Chair Hoban opened item for public comment. With none, he closed public comment.

Chair Hoban called for a vote.

Mr. Jones indicated that a motion is needed.

Motion: Councilor Shipley moved to adopt the budget for the Provo City Stormwater Service District in the amount of \$6,283,912 for fiscal year beginning July 1, 2022 and ending June 30, 2023. Councilor Ellsworth seconded the motion.

Chair Hoban called for a vote on the motion.

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

The Governing Board of the Provo City Stormwater Service District adjourned and convened as the Governing Board of the Redevelopment Agency of Provo City with Chair Ellsworth conducting.

Redevelopment Agency of Provo

- 12. A public hearing regarding adopting a budget for the Redevelopment Agency of Provo City Corporation for the Fiscal Year Beginning July 1, 2022 and Ending June 30, 2023, in the amount of \$1,203,488 (22-016). [\(1:54:27\)](#)**

Ms. Zarbock explained this is the second of two public hearings.

Chair Ellsworth opened public comment. With none, she closed public comment.

Motion: Board Member Hoban moved to adopt the budget for the Redevelopment Agency of Provo City Corporation for the fiscal year beginning July 1, 2022 and ending June 30, 2023 in the amount of \$1,203,488. Board Member Shipley seconded the motion.

Chair Ellsworth called for a vote.

Vote: The motion was approved 6:0 with Board Members Ellsworth, Fillmore, Hoban, MacKay, Shipley and Whipple in favor and Board Member Handley excused.

- 13. A Joint Resolution for a Memorandum of Understanding with Smith's and the Parties' intent to consider incentives for a future development. (22-050). [\(1:56:48\)](#)**

Mr. Morey explained that this is the same item that the Council passed earlier this evening for the property located on Geneva Road and Center Street.

Chair Ellsworth opened public comment.

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Rick Magness, of AWA Engineering, said though the site has its challenges, the project will be moving forward.

Vice-Chair Whipple asked for a timeline of when the store could be operational.

Mr. Magness shared that their construction schedule is between 13-15 months. He said with all hands on deck, a store could be operational in two years.

Chair Ellsworth called for a motion.

Motion: Board Member MacKay moved to adopt the Memorandum of Understanding with Smith's and the Parties' intent to consider incentives for a future development. Board Member Fillmore seconded the motion.

Chair Ellsworth called for a vote.

Vote: The motion was approved 6:0 with Board Members Ellsworth, Fillmore, Hoban, MacKay, Shipley and Whipple in favor and Board Member Handley excused.

14. A joint resolution announcing the intention of Provo City and the Redevelopment Agency to prepare a joint development agreement for commercial development of a store in West Provo. (22-050) [\(2:01:02\)](#)

Mr. Morey explained that this is the same item that the Council passed earlier this evening for the property located between I-15 and 500 West on Lakeview Parkway.

Chair Ellsworth opened public comment. With none, she closed public comment.

Chair Ellsworth asked for a motion.

Motion: Board Member MacKay made motion for a joint resolution announcing the intention of Provo City and the Redevelopment Agency to prepare a joint development agreement for a commercial development of a store in West Provo. Board Member Hoban seconded the motion.

Chair Ellsworth called for a vote.

Vote: The motion was approved 6:0 with Board Members Ellsworth, Fillmore, Hoban, MacKay, Shipley and Whipple in favor and Board Member Handley excused.

Adjournment

The meeting was adjourned by unanimous consent at approximately 7:42 PM.