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PROVO MUNICIPAL COUNCIL

Regular Meeting Agenda

5:30 PM, Tuesday, November 15, 2022

Council Chambers (Room 100)

Hybrid meeting: 445 W. Center Street, Provo, UT 84601 or
<https://www.youtube.com/provocitycouncil>

Roll Call

THE FOLLOWING MEMBERS OF THE COUNCIL AND ADMINISTRATION WERE PRESENT:

Councilor Travis Hoban

Councilor George Handley

Councilor David Shipley

Councilor Katrice MacKay

Council Executive Director Justin Harrison

Councilor Rachel Whipple

City Attorney Brian Jones

Mayor Michelle Kaufusi

Chief Administrative Officer Wayne Parker

Conducting: Chair George Handley

Excused: Councilor Shannon Ellsworth

Councilor Bill Fillmore

Prayer – Scott Ferrin

Pledge of Allegiance – Boy Scout Troop #730

Public Comment

No public comment.

Action Agenda

1. **A resolution consenting to the appointment of an individual to the Landmarks Commission. (22-009) [00:14:48](#)**

Motion: An implied motion to approve Resolution 2022-57, as currently constituted, has been made by council rule.

Mayor Kaufusi presented.

With no public comment and no council discussion Chair Handley called for a vote.

Vote: The motion was approved 4-0 with Councilors Handley, MacKay, Shipley and Whipple in favor. Councilors Ellsworth, Hoban and Fillmore are excused.

2. **An ordinance amending the previously adopted ordinance 2022-33 regarding the Neighborhood Program. (22-055) [00:16:41](#)**

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Motion: An implied motion to approve Ordinance 2022-47, as currently constituted, has been made by council rule.

Justin Harrison, Council Executive Director presented.

With no public comment and no council discussion Chair Handley called for a vote.

Vote: The motion was approved 5-0 with Councilors Handley, Hoban, MacKay, Shipley, and Whipple in favor. Councilors Ellsworth and Fillmore excused.

3. An ordinance amending Provo City Code regarding towing operations to clarify signage requirements and allowed fees. (22-076) [00:20:59](#)

Motion: An implied motion to approve Ordinance 2022-48, as currently constituted, has been made by council rule.

Brian Jones, City Attorney presented.

With no public comment and no council discussion Chair Handley called for a vote.

Vote: The motion was approved 5-0 with Councilors Handley, Hoban, MacKay, Shipley, and Whipple in favor. Councilors Ellsworth and Fillmore excused.

4. An ordinance amending Provo City Code to enact Chapter 3.15 "Percent-for-the-Arts" Public Art Program. (22-061) [00:22:47](#)

Motion: An implied motion to approve Ordinance 2022-49, as currently constituted, has been made by council rule.

Melia Dayley, Management Analyst presented.

Quinn Peterson of Provo stated he is really excited about this ordinance. He stated a concern about the artistic element and department approval on what is considered art.

Thor Bjorn of Provo requested that the artist be responsible to maintain the art.

Chair Handley closed public comments and opened for council discussion.

Councilor Shipley addressed the public comments and thanked them for their concerns.

Councilor Whipple addressed the public comments.

Chair Handley agreed with the comments from Councilor Shipley and Councilor Whipple.
Chair Handley called for a vote.

Vote: The motion was approved 5-0 with Councilors Handley, Hoban, MacKay, Shipley, and Whipple in favor. Councilors Ellsworth and Fillmore excused.

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5. An ordinance amending Provo City Code to update references to local development standards. Citywide application. (PLOT20220333) [00:42:13](#)

Motion: An implied motion to approve Ordinance 2022-50, as currently constituted, has been made by council rule.

David Day, Assistant City Engineer presented.

With no public comment and no council discussion Chair Handley called for a vote.

Vote: The motion was approved 5-0 with Councilors Handley, Hoban, MacKay, Shipley, and Whipple in favor. Councilors Ellsworth and Fillmore excused.

6. An ordinance amending the Zone Map classification of approx. 0.21 acres of real property generally located at 515 S 700 E, from Residential Conservation (RC) to Low Density Residential (LDR). Maeser Neighborhood. (PLR20220322) [00:45:38](#)

Motion: An implied motion to approve Ordinance 2022-51, as currently constituted, has been made by council rule.

Bill Peperone, Development Services Director presented.

Kristen Lamb Reilly of Provo spoke on why she is requesting the amendment of this ordinance.

Chair Handley opened for public comment with none he opened for council discussion.

Councilor Whipple commented to Reilly about the issues. She stated it will be an improvement for this property.

Chair Handley called for a vote.

Vote: The motion was approved 4-0 with Councilors Handley, Hoban, Shipley, and Whipple in favor. Councilors Ellsworth, Fillmore and MacKay are excused.

7. An ordinance amending the General Plan to adopt the Southwest Neighborhoods Plan. Citywide Application. (PLGPA20220255) [00:52:33](#)

Motion: An implied motion to approve Ordinance 2022-52, as currently constituted, has been made by council rule.

Brandon Larsen, City Planner presented.

Chair Handley questioned the agricultural land use and conservation easements.

Mr. Larsen answered questions from Chair Handley.

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Chair Handley asked Brian Jones if there needs to be a process of re-approval.

Brian Jones stated that the council is authorized to change the data inside the plan.

Bill Peperone clarified the process it takes to amend if there are any new developments.

Chair Handley asked about commercial nodes. He questioned the need for commercial development.

Brandon Larsen stated that the documents call for a grocery store. He also stated that there are areas where they will be developed commercial.

Chair Handley asked if they could prioritize the commercial nodes to be like Dentist offices, etc.

Mr. Larsen responded that the document does not get into that much of detail to what type of commercial can be built.

Councilor Whipple questioned Brandon Larsen about certain areas shown on the map and asked about areas that are wanting to be for industrial development.

Mr. Larsen answered her questions.

Councilor Whipple asked about commercial opportunities near the regional sports park. She asked if it would be accommodated in this plan.

Mr. Larsen agreed that the area surrounding the regional sports park can be changed to food establishments, hotels, etc.

Chair Handley opened it up to public comment.

Becky Bogdin of Provo stated she is excited about this document.

Chair Handley closed public comment and opened it up for council discussion.

Chair Handley asked Brian Jones about vote total concerns as there are three excused council members.

Brian Jones responded to Chair Handley.

Chair Handley called for a vote.

Vote: The motion was approved 4-0 with Councilors Handley, Hoban, Shipley, and Whipple in favor. Councilors Ellsworth, Fillmore and MacKay are excused.

- 8. An ordinance amending the zone map classification of approx. .22 acres of property located at 1220 E 960 S, from One Family Residential (R1.8) & Residential Conservation (RC) to Low Density Residential (LDR). Provost South Neighborhood (PLRZ20220244) [01:19:36](#)**

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

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Aaron Ardmore, City Planner presented.

Councilor Hoban asked Aaron Ardmore about parking and single-family development needs.

Mr. Ardmore stated that he feels there is not a lack of single-family development in that area.

Steve Sobey of American Fork stated he is the engineer of this project. He stated that the commission and staff are in favor of this and gave facts of why this should be approved.

Diane Christensen of Provo stated that the vote that was done in planning commission was not unanimous. She is concerned about the outcome of the planning commission vote.

Josh Gibbons of Hales Engineering stated he was asked by Trevor Sharpe to conduct a traffic study for this area. He stated the report shows it would be a small increase of two hours of traffic versus one for a single-family home.

Kristy Charles of Provo spoke on the irregular voting practice of the planning commission and feels that the council should keep the plan as it stands.

Tama Lawson of Provo spoke on the neighborhood and the parking issue. She is pleading with council to vote no for this change.

Mike Lawson of Provo is asking the council to vote no for this change.

Kylie Pearson of Provo says she is opposed to the amendment. She stated that there is a demand for a single-family home and they will not have any issues finding a buyer. She also spoke on safety of the children in this area.

Trevor Sharpe of Pleasant Grove is the owner of the lot. He gave documents showing photos of the area at what he stated was a peak time for school children to be walking home. He also provided photos of cars parked in front of his property.

Randalyn Macedoni of Provo stated her concerns with changing the amendment.

Becky Bogdan of Provo spoke on concerns about disturbances it can cause from changing an ordinance.

John Heinrod, builder of this lot spoke on the purchase and stated it was listed and approved on the master plan.

Chair Handley closed public comment and opened it up to council discussion.

Councilor Shipley has concerns about the remaining council members who are not present for vote. He stated he feels there is not a stark change from a single-family to twin homes.

Councilor Whipple stated she has received forty-four emails from residence in this area concerning this amendment. She feels the emails are not compelling enough to vote no at this time. She spoke on the

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needs of the city as a whole and not just the cluster of this neighborhood. She stated she feels conflicted about this amendment.

Chair Handley spoke on his feeling of the amendment.

Motion: Chair Handley proposed a motion to continue this ordinance until November 29, 2022. Councilor Shipley seconded.

Chair Handley explained that due to three excused council members he feels with this ordinance he wants to be fair to both sides as possible by having all council members be present for this vote.

Chair Shipley agreed.

Chair Handley called for a vote.

Vote: The motion was approved 4-0 with Councilors Handley, Hoban, Shipley, and Whipple in favor. Councilors Ellsworth, Fillmore and MacKay are excused.

Adjournment

The meeting was adjourned by unanimous consent at approximately 7:29 PM.