

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

### Regular Meeting Agenda

5:30 PM, Tuesday, April 18, 2023

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 Shannon Ellsworth

Councilor Bill Fillmore

Councilor Katrice MacKay

Councilor Travis Hoban

Councilor Rachel Whipple

Councilor David Shipley

Mayor Michelle Kaufusi

City Attorney Brian Jones

Council Executive Director Justin Harrison

Conducting: Chair Katrice MacKay

Excused: Councilor George Handley

**Prayer** – Bill Hulterstrom

**Pledge of Allegiance** – Chair MacKay

**Public Comment** [\(10:40\)](#)

Chair MacKay read the public comment preamble and opened the public comment period.

Bonnie Schiffler-Olsen, of Provo, commended the City's staff for their flood preparation efforts. She expressed her concern for the unhoused people without shelter, especially those living in camps within flood zones. She requested suspension of enforcement of Chapter 9.18 of City Code until the dangers of spring no longer pose a threat to the unhoused.

With no other comments, she closed the public comment period.

### Presentations, Proclamations, and Awards

1. **A presentation by Mayor Michelle Kaufusi of an award of recognition to Kevin Worthen. [\(23-011\) \(13:50\)](#)**

Mayor Kaufusi presented. She invited Peggy and President Worthen to the stand. She spoke of her relationship with Peggy and said she is the unsung hero of the couple. She spoke of the impact President Worthen has had on the community, not only as the President of BYU. She awarded Peggy and President Kevin Worthen with the 'Exceptional Care for an Exceptional Community Award'.

President Worthen thanked the Council for creating an environment where BYU and residents can thrive. He thanked them for their care in approaching issues that arise in the city.

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Peggy Worthen added her thanks.

**2. A public hearing for 2023-2024 Annual Action Plan. (23-027) [\(20:24\)](#)**

Melissa McNalley, Community Grant Administrator, presented. She explained the process that takes place each year and went through the scoring criteria. She invited Daniel Friend, the Vice-Chair of the CDBG Committee, to speak.

Mr. Friend talked about how the committee decided on their highest priorities this year.

Ms. McNalley added how the public can provide input on this plan.

Chair MacKay opened the item for public comment. With none, she closed public comment.

**Action Agenda**

**3. An ordinance amending Provo City code regarding micromobility devices. Citywide application. (23-022) [\(26:50\)](#)**

**Motion:** An implied motion to approve Ordinance 2023-10, as currently constituted, has been made by council rule.

Brian Jones, City Attorney, presented. He shared that this had been discussed in the work session. Mr. Jones discussed the various sections of code that would be changing.

Chair MacKay opened the item for public comment.

Scott Hilton, of Provo, asked for clarification on the changes to the ordinance.

Mr. Jones shared that the main changes were to the definition, adding the speed limit to the sidewalk, and allowing private property owners to post prohibitions on their property.

Chair MacKay added that this allows for places like BYU to regulate how they want to.

With no other public comment, and no council discussion, Chair MacKay called for a vote.

**Vote:** The motion was approved 6:0 with Councilors Ellsworth, Fillmore, Hoban, Mackay, Shipley, and Whipple in favor.

**4. An ordinance granting FIF Utah LLC, DBA Utah Broadband, a nonexclusive franchise to operate a telecommunications network in Provo, Utah. (23-039) [\(32:06\)](#)**

**Motion:** An implied motion to approve Ordinance 2023-11, as currently constituted, has been made by council rule.

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Mr. Jones presented. He said the franchise agreement would allow the vendor to provide telecommunication services within the city. He explained this agreement is the first step in them being approved for permits from Public Works to bury cables. He added that for them to attach to city owned poles, another agreement would be required.

Chair MacKay opened the item for public comment. With none, she closed public comment. With no council discussion, she called for a vote on the implied motion.

**Vote:** The motion was approved 6:0 with Councilors Ellsworth, Fillmore, Hoban, Mackay, Shipley, and Whipple in favor.

**5. An ordinance amending Provo City code to prohibit the issuance of administrative approvals for noncompliant properties or businesses. (PLOTA20230048) [\(34:36\)](#)**

**Motion:** An implied motion to approve Ordinance 2023-12, as currently constituted, has been made by council rule.

Aaron Ardmore, Planning Supervisor, presented. He shared this amendment was initiated by issues in Northeast Provo where there were properties in violation that were seeking variances or approvals. He said the current section 17.03.100 only allows the city to withhold permits. This amendment would allow the city to withhold all administrative approvals for properties found to be in violation of city code. He said there is a provision that would allow approvals if property owners were moving towards resolution.

Councilor Whipple asked if this was discretionary. She clarified that this prohibits the city from granting approvals if found in violation.

Chair MacKay called for a vote.

**Vote:** The motion was approved 6:0 with Councilors Ellsworth, Fillmore, Hoban, Mackay, Shipley, and Whipple in favor.

**6. An ordinance approving the petition to annex approximately 106 acres of property located at approximately 2250 S 950 E. East Bay Neighborhood. (PLANEX20220317) [\(37:45\)](#)**

**Motion:** An implied motion to approve Ordinance 2023-13, as currently constituted, has been made by council rule.

Brandon Larsen, Planning Supervisor, presented. He explained that the parcel is in the Utah County Jurisdiction and by annexing the land, it would allow the enforcement of city code.

Chair MacKay opened the item for public comment. With none, she closed public comment. With no council discussion, she called for a vote on the implied motion.

**Vote:** The motion was approved 6:0 with Councilors Ellsworth, Fillmore, Hoban, Mackay, Shipley, and Whipple in favor.

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7. **An ordinance amending Zone Map classification of approximately 0.84 acres of real property, generally located at 141 E 500 N, from Residential Conservation (RC) to Medium Density Residential (MDR) & authorizing a related development agreement. Joaquin Neighborhood. (PLRZ20220343) [\(41:15\)](#)**

**Motion:** An implied motion to approve Ordinance 2023-14, as currently constituted, has been made by council rule.

Mr. Ardmore presented. He discussed the changes that the property owners want to make including the site plan amenities. He shared the planning staff is in favor of these changes.

Councilor Fillmore asked if adequate parking had been addressed.

Mr. Ardmore said they are providing sufficient parking to meet code. He shared there would be eight total units with 30 parking spaces.

Councilor Hoban asked about the potential apartment complex and how many units would be allowed.

Mr. Ardmore responded that the applicant would have to come back with a project plan application where staff and the planning commission would evaluate to ensure it met code requirements. He said the Medium Density Residential zone would allow for a maximum of 30 units to the acre, though that would be tough to accomplish with other parking and space requirements.

Chair MacKay shared her likes for the plan and said it would be a charming place to live. She opened the item up for public comment.

Scott Hilton, a resident of one of the buildings, shared his excitement for the improvements. He encouraged the council to look at more housing options, specifically around BYU.

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

Councilor Hoban asked if the neighborhood chair was present.

Chair MacKay shared that she read the planning commission's report which showed it to be favored by the residents. She asked if anyone was present from the neighborhood district leadership. With no other comments, she called for a vote.

**Vote:** The motion was approved 6:0 with Councilors Ellsworth, Fillmore, Hoban, Mackay, Shipley, and Whipple in favor.

8. **An ordinance amending the Zone Map classification of approx. 0.48 acres of real property, located at 734 S Utah Ave, from Heavy Commercial (CM) to One Family Residential (R1.8). Provost Neighborhood. (PLRZ20230019) [\(48:49\)](#)**

**Motion:** An implied motion to approve Ordinance 2023-15, as currently constituted, has been made by council rule.

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Mr. Ardmore presented. He discussed the applicant is wanting to shift the boundary lines and added that there is no change of use. He said the neighborhood discussed this and was in favor. He said the planning staff is in support also.

Councilor Hoban clarified the changes.

Councilor Whipple asked why the entire garden is not being included in the adjustment.

Chair MacKay opened the item for public comment.

Jan Dolan, the applicant's daughter, shared that they were required to have ten feet behind the commercial space, but they would not be changing how the property is used.

With no other public comments, and no council discussion, Chair MacKay called for a vote.

**Vote:** The motion was approved 6:0 with Councilors Ellsworth, Fillmore, Hoban, Mackay, Shipley, and Whipple in favor.

**9. A Resolution to place the vacant property known as a "proposed tennis court" in Block "A" Vivian Park Subdivision on the Surplus Property List. (23-040) [\(54:39\)](#)**

**Motion:** An implied motion to approve Resolution 2023-15, as currently constituted, has been made by council rule.

Bill Peperone, Director of Development Services, presented. He shared the history of the lots in Vivian Park, specifically the parcel to be sold. He explained the terms of sale, including the buyer acknowledging that the parcel cannot be developed into a residential lot. He added that the buyer lives nearby and wants to use it as a garden space and overflow parking.

Chair MacKay opened public comment.

Councilor Hoban asked how the buyer was lined up prior to this property being on the surplus list. He asked Mr. Peperone to explain what the process is and if competitive bids are considered.

Mr. Peperone responded that these are handled by Tara Riddle, Property Manager, and that he is not as familiar with the process as she is. He said typically the property is added to the surplus list first and buyers can bid on it. He added that in this case, the homeowner's association was asked first, and they did not have any interest in owning it.

Mr. Jones explained that most often the properties are added to the surplus property list after an interested buyer requests to purchase it from the city. He added that he does not believe they will accept bids in this case, due to the offer being market value.

Councilor Hoban stated it might be best practice to allow for bids.

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Mr. Jones said this specific parcel would be handled differently because it is undevelopable. He mentioned there are different requirements based on the value of the property that are set in the ordinance.

With no other discussion, Chair MacKay called for a vote.

**Vote:** The motion was approved 6:0 with Councilors Ellsworth, Fillmore, Hoban, Mackay, Shipley, and Whipple in favor.

**10. \*\*\*CONTINUED\*\*\* Nathan Gagon requests OTA to Section 14.34.320, to increase the off-street parking requirement from 800' to 1100'. Downtown Neighborhood (PLOTA20230036)**

**Adjournment**

The meeting was adjourned by unanimous consent at approximately 6:27 p.m.