



PROVO MUNICIPAL COUNCIL

Work Meeting Minutes

1:00 PM, Tuesday, November 21, 2017

Moved to Municipal Council Chambers

351 W Center, Provo, UT 84601

Roll Call (0:00:00)

The following elected officials were present:

Council Chair David Sewell, Acting Mayor
Council Vice-Chair David Knecht, *Conducting*
Council member David Harding
Council member Kim Santiago
Council member Gary Winterton
Council member George Stewart
Council member Kay Van Buren

Council Chair David Sewell, Acting Mayor, has invited Vice-Chair David Knecht to conduct.

Prayer

The prayer was given by Dixon Holmes, Economic Development Chief Deputy.

Business

1. Presentations on the proposal to build a medical school on a portion of the East Bay Golf Course (17-136) (0:07:08)

The Council heard presentations from Dr. Rick Nielsen, Wasatch Educational (0:07:27), and the Parks and Recreation Department (0:41:37) regarding the proposal. Dr. Nielsen and Andy Noorda shared the history and vision of the Noorda Foundation and why they have invested in Provo and wish to continue their legacy here. Dr. Nielsen also highlighted successes of Rocky Mountain University and the projected needs for medical professionals in the state of Utah in the coming years. Dr. Nielsen clarified aspects of their proposal and shared graphics depicting the proposed phases of the project and an approximate timeline.

Scott Henderson, Parks and Recreation Director, introduced staff who presented with him on the site and East Bay Golf Course operations, and how the proposed project relates to the course. Brett Watson, East Bay Golf Course Manager, highlighted the history of golf in Provo and at the current location, sharing statistics on increasing use by diverse groups (university classes, women, youth, etc.) and projections. The course is on track to eliminate their subsidy in [the coming] fiscal year 2019. Mr. Watson also highlighted events hosted at the course and other programming. Quoting Council member David Harding, Mr. Watson echoed his sentiments that taken together, the City provides an amazing array of recreational opportunities, some of which may serve specific users but as a whole have an enormous impact. Mr. Watson noted aspects of the unique site (former landfill) which contribute to the success and sustainable operations.

Doug Robins, Assistant Director Parks and Recreation, highlighted the unique characteristics of the site such as open space, animal habitats, water source confluence flowing to Utah Lake, and sustainable water use. Mr. Robins noted challenges with the site which is a former landfill—there are inherent costs and risks with developing this property for a different use when the current use is stable and sustainable. Mr. Henderson

presented on the impact to the golf course facility based on the most recent proposal. The Parks and Recreation Department advised an option for control on the area in the future in order to preserve the long-term interest of the golfing community, and suggested using some proceeds of the land sale for additional capital investment in golf for improvements which have been deferred in the past, and to show a continuing commitment to the golf community. The Parks and Recreation Department has had great success managing the property and wished to illustrate the implications for the proposal and project on this facility.

Dixon Holmes, Economic Development Chief Deputy, addressed questions from Council members:

- Wasatch Educational (WE) planned to purchase the Nature Sunshine parcel as it was crucial for access to the adjacent properties, but also to afford them a degree of control over its development. The City intended to pursue creation of a community development area (CDA) in cooperation with other local agencies, which would allow WE to earn back some of their initial costs based on the future performance of the site (the Nature Sunshine parcel specifically). The City has done successful CDAs in the past and is in negotiations for various others in areas of redevelopment.
- WE have investigated the geotechnical concerns to a sufficient degree that they are confident about the project, though Mr. Holmes noted that it would be their risk and opportunity.
- Mr. Holmes noted several details on the option for an additional wedge of the golf course, which included maintaining accreditation as a medical school with full capacity/upward trends.
- The City has put out a Request for Proposals (RFP) for golf course designers.
- The possibility of a mountain course still has many variables and unknown factors, including land acquisition, soil stability, and lack of utility infrastructure/improvements.
- Relocation costs of the 3 holes would be paid by WE but overseen by the City in conjunction with the golf course designer selected through the RFP process. The City already owns the Kuhni property, which is the intended relocation site—since 2006, there have been ideas that it may be used for golf purposes. If a definitive decision were made that golf was not moving there, they would seek to attract a commercial development on the 22 acres comparable to uses in the PIC zone and other areas of East Bay (data centers, light manufacturing, etc.).
- Mr. Holmes noted the benefit to the community of having a public golf course; impacting the golf course has costs, but there have been many proposals over the last decade to do something commercially on the property to enhance and improve economic opportunities in the community. Provo is landlocked with limited ability for continued development and welcoming a medical school at this location signals that the City is willing and welcome to continued development. A medical school carries a certain level of prestige and is a unique offering which brings capital improvement, students, business, and employees, and is unique in Utah County.

Council members shared some comments at this stage of the process, noting that the choice is between two good options. Wayne Parker, Chief Administrative Officer, agreed that there is value on both sides of equation, and the balancing act is for the Council to conclude on which side value is predominant. The Administration is supportive of whatever process gets the Council to an answer and a direction.

Council member Gary Winterton requested input from the Parks and Recreation Board. Mr. Parker and Brian Jones, Council Attorney, outlined the requirements for placing a property on the surplus property list and how the Council could approach the process. With the Council meeting schedule and intervening holidays, either a special meeting would be needed to allow the required 14-day notice of the sale, or business would need to be deferred until the Council Meeting scheduled on January 9, 2018. Council members wanted to begin the outreach process in the meantime, including holding public comment at the December 5, 2017 Council Meeting and through Open City Hall and other means of outreach.

2. A discussion on the Accessory Apartment Overlay Zone, the Supplementary Residential Overlay Zone, and related zoning topics (17-137) *This item was continued.*

3. A discussion on adopting the Provo Parking Strategic Management Plan as a guide for decision making and policy formation (17-126) *This item was continued.*
4. A discussion on proposed text amendments to Title 11 regarding sanitation services (17-123) ([2:10:34](#))

Brian Torgersen, Public Services Division Director, presented on these changes, which are intended to improve the ability of the Public Works department to enforce reasonably when issues with insufficient trash collection points occur. Mr. Torgersen clarified that the City does not handle front-loading commercial dumpsters; this ordinance relates primarily to the curbside cans and operations handled by the City. Council members shared concerns and feedback about a required minimum amount of 95 gallons for trash disposal. Brian Jones, Council Attorney, shared insight on how various iterations of the ordinance would work for a criminal offense heard by a jury. In response to stated concerns, Dave Decker, Public Works Director, shared a potential change which would not institute a minimum amount unilaterally, but would state a specific minimum to be required at the discretion of the Public Works Department; this change would remove the automatic mandatory minimum, but would provide a concrete requirement for Public Works staff to utilize if and when they encountered persistent issues.

Motion: George Stewart moved to amend the ordinance per Mr. Decker’s proposed change: *“Regardless of collection method, the owner of any dwelling may be required by the Public Works Department to provide up to 95 gallons of refuse waste capacity per week for each dwelling in order to satisfy Provo City Code 11.01.050(13).”* Seconded by David Harding.

Roll Call Vote: Approved 7:0.

This item was already scheduled for the November 21, 2017 Council Meeting.

5. A presentation from Finance on operating budget carryovers (17-135) ([2:45:00](#))

Dustin Grabau, Budget Officer, reviewed carryover requests from City departments. The intention of providing this service to City departments is to prevent the ‘last month scramble’ to use up unspent excess funds in a department’s budget. There are various reasons that departments carry over money, most often for an outstanding purchase order or to meet operational needs not filled through the normal budgeting process. At the end of the fiscal year, carryovers are subtracted from any operational savings. Of the remaining balance, half goes to the employee recognition fund and incentive programs, and the remaining half is returned to the general fund. Mr. Grabau made note of several specific noteworthy or unusual carryovers, including capital investment of fitness equipment at the Rec Center and Vote by Mail election costs.

John Borget, Administrative Services Director, clarified how carryovers work year-to-year if not spent in the previous year. For example, the Information Services Department has outstanding projects for which they have carried over funds, but due to their staff’s time-intensive role in the implementation of Provo 360, many of these needs have not yet been addressed and so they have requested to repeat this carryover.

Some carryovers address prior financial obligations which have not been spent; others might address initiatives which a department is pursuing because of operational savings. Because the departments are in a better position to clarify how their requests are categorized, Wayne Parker, Chief Administrative Officer, suggested that the following fiscal year, the Administration request those categorizations when departments submit carryover requests. Functionally these carryovers work in the same way, but the purpose behind them may be different for each department or item. Because the audit is still underway for the previous fiscal year, there may be changes to the carryovers into September or October. Finance staff would be able to share an initial report in the fall, and disclose additional changes to carryovers should there be any. **Presentation only.**

6. A discussion on proposed new Fire Department fees (17-133) *This item was continued.*
7. A discussion on proposed Neighborhood Program changes (17-138) ([3:08:40](#))

Cliff Strachan, Council Executive Director, presented. Mr. Strachan updated the Council on the discussions of the Neighborhood Program Review Committee. The committee has recommended changes to the Neighborhood Advisory Board, retitling the chapter of city code as “Neighborhood Program” and transitioning the NAB to a Council committee called the Neighborhood Advisory Committee. The structure would remain similar, having the 5 Area Representatives as committee members, as well as several Council members (one of whom would chair the committee), and possibly several former neighborhood chairs or vice-chairs. There was also a discussion about the Downtown neighborhood and its unique situation and changes to its representation, from a Downtown Provo, Inc. representative to having a resident as neighborhood chair. The Committee has been gathering feedback from the neighborhood chairs and vice-chairs. Mr. Strachan noted that staff are pleased with the contributions of neighborhood chairs, vice chairs, and area reps to make the program better. Council members shared some comments, including the observation that there are inherent conflicts for any neighborhood and its residential and commercial components; there is an opposite but equal challenge for all neighborhoods. ***Presentation only. The Neighborhood Program Review Committee will discuss this item at their November 29, 2017 meeting.***

8. A discussion on the proposed 2018 Council meeting calendar, the timing of Council meetings, and the election of the Municipal Council Chair (17-139 and 17-140) ([2:03:10](#))

Elizabeth VanDerwerken, Council Executive Assistant, reviewed the proposed 2018 Council meeting schedule. Ms. VanDerwerken noted that meetings have been aligned as closely as possible with the traditional first and third Tuesdays of each month, while avoiding major holidays and school closures. Because there is no municipal election in 2018, there is no meeting of the Board of Canvassers.

Cliff Strachan, Council Executive Director, briefly reviewed the proposed code changes for the timing of Council meetings and the chair election. The changes suggested have been made to allow flexibility while still adhering to the intent of the ordinance; there are occasional years when the calendar dates are aligned such that it is impossible to comply with the ordinance as currently instituted. Brian Jones, Council Attorney, noted that this ordinance is covered under state law and by making these clarifications, it would provide a better expectation and level of transparency for the public. ***Presentation only. This item was already scheduled for the November 21, 2017 Council Meeting.***

Closed Meeting

9. 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: Kay Van Buren moved to close the meeting. Seconded by Gary Winterton.

Roll Call Vote: Approved 7:0.

Adjournment

Adjourned by unanimous consent.