



## **PROVO MUNICIPAL COUNCIL**

### **Regular Meeting Agenda**

5:30 PM, Tuesday, August 21, 2018

Room 200, Municipal Council Chambers

351 West Center, Provo, Utah

### **Decorum**

The Council requests that citizens help maintain the decorum of the meeting by turning off electronic devices, being respectful to the Council and others, and refraining from applauding during the proceedings of the meeting.

### **Opening Ceremony**

Roll Call

Prayer

Pledge of Allegiance

### **Presentations, Proclamations, and Awards**

1. A presentation of the August 2018 Employee of the Month
2. A presentation by the Covey Center of "The Nerd"

### **Public Comment**

Fifteen minutes have been set aside for any person to express ideas, concerns, comments, or issues that are not on the agenda:

Please state your name and city of residence into the microphone.

Please limit your comments to two minutes.

State Law prohibits the Council from acting on items that do not appear on the agenda.

### **Consent Agenda**

3. An ordinance amending the Provo City Code regarding Council committees (18-078)

### **Action Agenda**

4. A public hearing regarding the proposed Draft Environmental Assessment (EA), Land and Water Conservation Fund (LWCF) Timp-Kiwanis Bounous Property Conversion. (17-036)

### **Adjournment**

If you have a comment regarding items on the agenda, please email or write to Council Members. Their contact information is listed on the Provo website at: <http://provo.org/government/city-council/meet-the-council>

---

Materials and Agenda: <http://publicdocuments.provo.org/sirepub/meet.aspx>

Council Blog: <http://provocitycouncil.blogspot.com/>

The next scheduled Regular Council Meeting will be held on 09/11/2018 at 5:30 PM in the Council Chambers, 351 West Center Street, Provo, unless otherwise noticed. The Work Session meeting start times is to be determined and will be noticed at least 24 hours prior to the meeting time, but typically begins between 1:00 and 4:00pm.

### **Notice of Compliance with the Americans with Disabilities Act (ADA)**

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aides and services) during this meeting are invited to notify the Provo Council Office at 351 W. Center, Provo, Utah 84601, phone: (801) 852-6120 or email [evanderwerken@provo.org](mailto:evanderwerken@provo.org) at least three working days prior to the meeting. The meeting room in Provo City Center is fully accessible via the south parking garage access to the elevator. The Council Meeting is also broadcast live Provo Channel 17 at <https://www.youtube.com/user/ProvoChannel17>. For access to past Work and Council Meetings, go to playlists on <https://www.youtube.com/user/ProvoChannel17>.

### **Notice of Telephonic Communications**

One or more Council members may participate by telephone or Internet communication in this meeting. Telephone or Internet communications will be amplified as needed so all Council members and others attending the meeting will be able to hear the person(s) participating electronically as well as those participating in person. The meeting will be conducted using the same procedures applicable to regular Municipal Council meetings.

### **Notice of Compliance with Public Noticing Regulations**

This meeting was noticed in compliance with Utah Code 52-4-202 and Provo City Code 14.02.010. Agendas and minutes are accessible through the Provo City website at [council.provo.gov](http://council.provo.gov). Council Meeting agendas are available through the Utah Public Meeting Notice website at [pmn.utah.gov](http://pmn.utah.gov). Email subscriptions to the Utah Public Meeting Notice are available through their website.

*Network for public access is "Provo Guest", password "provoguest".*



# Provo City Municipal Council

Staff Memorandum

## Rules Committee Proposal

August 7, 2018

<p><b>Presenter</b> Brian Jones</p> <p><b>Issue File #</b> 18-078</p>	<p><b>Item Short Title</b> A discussion on a Rules Committee proposal regarding amendments to the Council Handbook and Provo City Code (18-078)</p> <p><b>Background</b> The Rules Committee has discussed the following proposals that they would like to discuss with the full Council body:</p> <ol style="list-style-type: none"><li>(1) A list of Roberts Rules of Order pointers that will go in the appendix, to be updated from time to time as special situations occur;</li><li>(2) A “Simplified Roberts Rules” that was prepared by the Attorney General’s office and used by State boards; and</li><li>(3) Amendment to PCC 2.50.110 that would make clear terms of Municipal Council Committees.</li></ol> <p>The Rules Committee would has been discussing these issues for the last few months and are prepared to bring them to the Municipal Council for discussion.</p> <p><b>Intended Outcome of Discussion/Requested Action</b></p> <ul style="list-style-type: none"><li>• Have a discussion on the proposals and approve the attached documents and update the Handbook and materials to reflect the approval.</li></ul>
---	---

ORDINANCE 2018-.

AN ORDINANCE AMENDING PROVO CITY CODE REGARDING MUNICIPAL COUNCIL COMMITTEES. (18-078)

WHEREAS, the Rules Committee of the Municipal Council has proposed two amendments to Provo City Code in order to clarify and define the process for establishing and operating committees of the Municipal Council; and

WHEREAS, the first amendment is an addition to Provo City Code Section 1.02.030 (Definitions) in order to define “Councilor” and “Council member”; and

WHEREAS, the second amendment is an addition to Provo City Code Section 2.50.110 (Municipal Council Committees) that would clarify how Municipal Council committees are created and organized;

WHEREAS, on August 7, 2018 and August 21, 2018, the Municipal Council met to ascertain the facts regarding this matter and receive public comment, which facts and comments are found in the public record of the Council’s consideration; and

WHEREAS, after considering the facts and comments presented to the Municipal Council, the Council finds: (i) Provo City Code should be amended as described herein; and (ii) such amendments are in the best interests of the residents of Provo City and reasonably further the health, safety, and general welfare of the citizens of Provo City.

NOW, THEREFORE, be it ordained by the Municipal Council of Provo City, Utah, as follows:

PART I:

Sections 1.02.030 (Definitions) and 2.50.110 (Municipal Council Committees) of the Provo City Code are amended to read as shown in Exhibit A.

PART II:

A. If a provision of this ordinance conflicts with a provision of a previously adopted ordinance, this ordinance shall prevail.

B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the remainder of the ordinance shall not be affected thereby.

C. The Municipal Council hereby directs that the official copy of the Provo City Code be updated to reflect the provisions enacted by this ordinance.

D. This ordinance shall take effect immediately after it has been posted or published in accordance with Utah Code 10-3-711, presented to the Mayor in accordance with Utah Code 10-3b-204, and recorded in accordance with Utah Code 10-3-713.

END OF ORDINANCE.

DRAFT

### **1.02.030. Definitions.**

As used in the Provo City Code and amendments thereto, the following terms shall have the meanings indicated, according to the context in which they are used.

"**Bribe**" signifies any money, goods, right in action, property, thing of value, or advantage, present or prospective, or any promise or undertaking to give any, asked, given, or accepted, with a corrupt intent to influence unlawfully the person to whom it is given in any action, vote, or opinion by such person in any public or official capacity.

"**City**" means Provo City, Utah.

"**Councilor**" or "**Council member**" means a duly elected member of the Provo City Municipal Council.

"**Corruptly**" imports a wrongful design to acquire or cause some pecuniary or other advantage to the person guilty of the act, established either by proof or by presumption of law.

...

### **2.50.110. Municipal Council Committees.**

(1) Pursuant to Utah Code Section 10-3b-203, the Municipal Council may appoint a committee of council members or citizens to conduct an investigation into any matter relating to the welfare of the municipality.

(2) For each committee, the Council shall:

(a) designate the name and mission statement;

(b) designate whether the committee is standing or ad hoc;

(c) appoint all voting members or designate the method of their appointment, subject to the following:

(i) no more than three Councilors shall be appointed, unless the Council expressly directs otherwise with respect to a given committee, in which case meetings of the Committee shall be noticed and recorded in accordance with the Open and Public Meetings Act; and

(ii) no citizens shall be appointed as voting members unless the Council makes a finding that the purpose of the committee is to conduct an investigation in accordance with Utah Code Section 10-3b-203(1)(b)(iv), as amended;

(d) appoint a Chair and a Vice-Chair; and

(e) have the authority to remove any voting member from the committee by majority vote.

(3) Council staff, and Administrative staff if permitted by the Mayor, may provide support, but are not voting members of any such body. A committee may ask private citizens to assist and provide counsel as needed as non-voting advisors.

(4) The Chair, Vice-Chair, or a person designated by the Chair or by the committee shall report findings to the Council, assisted as needed by others.

•••



**Provo City Parks and Recreation  
Department**

Staff Memorandum

**Draft Environmental Assessment Land and  
Water Conservation Fund (LWCF) Timp-Kiwanis  
Bonous Property Conversion**

August 7, 2018

<p><b>Department Head</b> Scott Henderson 801-852-6602</p> <p><b>Presenter</b> Parks and Recreation Staff</p> <p><b>Required Time for Presentation</b> 10 minutes</p> <p><b>Is This Time Sensitive</b> No</p> <p><b>Case File # (if applicable)</b></p>	<p><b>Purpose of Proposal</b></p> <ul style="list-style-type: none"> <li>• Provide the City Council with an update and plans for the August 21, 2018 Council Meeting where the Draft Environmental Assessment (EA) for the Timp-Kiwanis Bonous LWCF Property Conversion will be discussed</li> </ul> <p><b>Action Requested</b></p> <ul style="list-style-type: none"> <li>• No action – Discussion Request. Resolution needed in the future.</li> </ul> <p><b>Relevant City Policies</b></p> <ul style="list-style-type: none"> <li>• N/A</li> </ul> <p><b>Budget Impact</b></p> <ul style="list-style-type: none"> <li>• \$0</li> </ul> <p><b>Description of this item (at least 2 paragraphs)</b></p> <p>This is to help Council Members to have a clear understanding of what your item is.</p> <ul style="list-style-type: none"> <li>• The Draft EA for the Timp-Kiwanis Park conversion will have been released the end of July. We will be providing a quick overview of the EA and the plans for the Council Meeting on August 21<sup>st</sup>.</li> <li>• An update on the schedule of this property conversion will also be provided.</li> </ul>
---	---



## **PROPOSED TERMS OF AN INTERLOCAL COOPERATIVE AGREEMENT FOR THE SALE OF TIMP KIWANIS BOUNOUS PARK TO THE PROVO SCHOOL DISTRICT**

**Sale Price:** Yellow Book Appraisal as required by Land and Water Conservation Fund (LWCF) requirements

### **Uses of the Property:**

- School District could use the property for student athletic purposes as shown on the attached site plan (Exhibit A)
- District would remove the existing pavilion and relocate its functions south to the approximate location shown on the site plan along with handicapped access to the pavilion(Exhibit A)
- District would maintain the children's playground as shown on the site plan and be responsible for repair or replacement of the equipment if and when such is needed with equipment of similar value and features (Exhibit A)
- District would clear, develop and maintain a soccer field intended as a practice field for high school soccer on the lower section of the parcel as shown on the site plan (Exhibit A)
- District would secure the access road gate to prevent unauthorized use of the roadway
- District would provide an easement to allow continued city access of the existing well and pump house located on the property
- District and City will define other needed easements on the property and define maintenance responsibilities of these easements

### **Operational Requirements:**

- District will agree not to rent the soccer field for other than school purposes. All non-programmed use of the field will be reserved for the community
- District will post on its website at the first of each month all programmed use of the baseball, softball and soccer fields and tennis courts so that the neighborhood will be aware of the scheduled events
- District will permit community use of the soccer field, tennis courts and walking track during non-programmed times and will sign such facilities allowing the use (which signs shall be approved by the district's risk management staff)

### **Changes to Allowed Uses:**

- Any change of uses beyond those included in the Interlocal Agreement will require:
  - A resolution detailing the changes requested approved by the Provo School District Board of Education by a majority vote at a meeting in which public comment is allowed; and,
  - A resolution approving those changes approved by the Provo Municipal Council by a majority vote at a meeting in which public comment is allowed.

**Closing:** Upon approval of the sale by state officials responsible for LWCF conversions



January 29, 2018

Dear Edgemont Neighborhood Resident:

On February 20, 2018 the Timp Kiwanis Bounous Park property is planned to be presented to Municipal Council for approval to be placed on the City's surplus property list, allowing it to be sold to the Provo School District. We formally invite you to attend and participate in the public hearing which will occur during the Municipal Council meeting beginning at 5:30 p.m. at the City Center at 351 W. Center Street.

The City was approached by the District about potentially acquiring the park to allow the District to add a girls' softball field for Timpview High to meet their federal Title IX requirements. The sale also benefits the City generally by clearing up some issues related to the federal grant standards under which most of the property for the park was acquired.

After holding a couple of neighborhood meetings last year, we have worked with the District to address the concerns expressed in those meetings. As part of the sale of the property, the City and the District have listened to the concerns and have tried to address them in the attached term sheet that will form the basis of a cooperative agreement between the City and the District to be executed with the potential sale of the property. We have also attached a copy of a site plan which shows how the parcel would be reconfigured based on feedback from the residents during the neighborhood meetings.

We look forward to seeing you at the meeting on February 20.

Sincerely,

A handwritten signature in blue ink, appearing to read "Wayne Parker".

Wayne Parker  
Chief Administrative Officer



PROPOSED PAVILION

PROPOSED SOCCER FIELD

PROPOSED VOLLEYBALL COURT

PROPOSED SOFTBALL FIELD

THE NDERBIRDS

ATLANTA