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| Image_0 | | **PROVO MUNICIPAL COUNCIL**  **Redevelopment Agency of Provo**  **Regular Meeting Minutes**  5:30 PM, Tuesday, August 21, 2018  Room 200, Municipal Council Chambers  351 West Center, Provo, Utah | |
| **Opening Ceremony** | | | |
|  | **Roll Call** | |

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| THE FOLLOWING MEMBERS OF THE COUNCIL AND ADMINISTRATION WERE PRESENT: | | | |
|  | Council Member David Harding, excused 6:34 p.m. | | Council Member David Knecht |
|  | Council Member David Sewell | | Council Member Gary Winterton |
|  | Council Member George Handley | | Council Member George Stewart |
|  | Council Member Vernon K. Van Buren | | Mayor Michelle Kaufusi |
|  | CAO Wayne Parker | | Council Attorney Brian Jones |
|  | Council Executive Director Cliff Strachan | |  |
| Conducting: | | Council Chair Gary Winterton | |

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|  | **Prayer and Pledge of Allegiance –** Doug Robins, Assistant Director of Parks and Recreation |

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| **Presentations, Proclamations, and Awards** |

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| **1** | **A presentation of the August 2018 Employee of the Month (**[**0:04:16**](https://youtu.be/sOUQLFlNvxs?t=256)**)** |

Jenny Starley, Employees Association President, announced Officer Austin Williams as the Employee of the Month for August 2018. She turned the time over to Lt. Jerid Barney. He said Officer Williams began his employment with Provo City in 2007. He had a passion for motorcycles and had been on the motorcycle team for several years and was an instructor for the State of Utah. He has been a member of the mountain rescue team since 2012. He was credited for resuscitating and saving a young boy who had drown in a swimming pool at a local motel. Lt. Barney said Officer Williams was an exceptional employee and asset to the Provo Police Department.

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| **2** | **A presentation by the Covey Center of "The Nerd" (**[**0:09:36**](https://youtu.be/sOUQLFlNvxs?t=576)**)** |

Paul Duerden, Covey Center for the Arts Manager, said “The Nerd” had been playing for several weeks and there was only one week remaining. He introduced two of the actors, Dylan Wright who played Willum Cubbert, and Andrew Groom who played Rick Steadman. They performed a brief scene from the play.

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| **Public Comment (**[**0:16:09**](https://youtu.be/sOUQLFlNvxs?t=969)**)** |

Chair Winterton explained that fifteen minutes had been set aside for any person to express ideas, concerns, comments, or issues that were not on the agenda. He opened public comment.

Bonnie Marrow, North Timpview Neighborhood Chair, asked permission for a photograph to be displayed, Chair Winterton agreed. The photo showed a sign posted at Dixon Middle School, that said “No public use without written authorization from Dixon Middle School.” She felt this made the field unavailable to the public. She said there was controversy between her neighborhood and the Edgemont Neighborhood. One of the concerns was that public space at Timp-Kiwanis would be closed to public use if the property were sold to the School District. There was a letter from the Chair of the Parks and Recreation Board that stated the school district had agreed to keep the south end of the park intact and available for neighbors to use. She asked for this to be honored as the city moved forward with the transaction. She emphasized that schools were getting crowded and open space was important.

Sharlen Goodliffe, Provo, felt that public spaces should be protected. She believed it was shortsighted to sell the Timp-Kiwanis Bounous land. She felt the open space was necessary for the wellness of the neighborhoods. She also said it was an environmental issue because Rock Canyon released water into the field, which was needed. She thought the mature trees should be kept for air quality. She said this was important to the health of the community. She feared it had been portrayed that her neighborhood was too picky. Ms. Goodliffe wanted local parks and local ground water from the well on the property. The land was necessary to protect from flooding, which had happened in the past. She thought it was short sighted to not look at the bigger picture.

Kay Garner, Edgemont, felt the parties involved had been dishonest about the sale of the park. She disbelieved the Title IX issues and thought they could be easily solved. The amount of money required to purchase the park would be better spent on teacher salaries and school safety, she said. Ms. Gardner stated the park contributed to the community. Her neighborhood was not convinced the proceeds from the sale were not being used to pay for a sports complex in another area of the city.

Lisa Brockbank, Provo resident, said her children played in the Timp-Kiwanis Park often. She understood the concerns of the neighbors but wanted to evaluate the bigger picture. Ms. Brockbank worked with a competitive soccer club for the previous six years and said they had a surplus of children who wanted to participate in soccer and other sports. She said Provo City and the community needed more field space. The fields were crowded and overbooked. She asked council to think about what was best for the community and consider what a sports complex could bring to the city.

Elda Benson, Edgemont Neighborhood resident, spoke about the sports park. She said it was stated during the previous council meeting that the projected annual revenue would be $11 million per year. Because of this projection, she did not think the sports park was contingent upon the sale of Timp-Kiwanis Bounous Park. She thought the added revenue should eliminate the need to bond for building new facilities and schools. She said if the park was sold, she would vote against the bond for a city hall.

Craig Bostock resided in the North Timpview Neighborhood. He thanked Provo Parks and Recreation for their transparency. He thought this was a good opportunity for the city to take one park and turn it into two parks. It would provide a location for the girls’ softball team, among other clubs that had no place to practice. The boys’ high school baseball team had first right of use of the park, but they were not able to do everything they needed to do without their own field. He was in favor of selling the park and developing a new park somewhere else in the northeast area of Provo.

Jennifer Daley, Wasatch Neighborhood resident, had a daughter on the Timpview High School Softball Team. She said it was important for them to have a field at the school. Under the current conditions, the girl softball players were required to commute from Timpview High School to either Harmon Park or Fox Field. Every other school had these amenities onsite. She said there were three girls’ softball teams at Timpview last year. She believed this growing sport was team building and formed unity in the schools. She thought sharing the fields with the community could help younger kids get excited about sports and teamwork.

Greg Bird lived in the Riverbottoms Neighborhood. He was in favor of selling the land and said his kids would benefit from the outcome. Mr. Bird thought this issue impacted more than a single neighborhood and said the entire community would benefit by having a sports complex in Provo.

Dr. Douglas Kohler lived near Timp-Kiwanis Bounous Park. He said the land was sold to Provo by the Bounous family to be used as a park in perpetuity. He questioned whether Provo would honor the commitment to the family and keep the park unchanged.

Danny Engemann, Provo, thanked the council and school district for the work that had been done. He said this was a complex issue. He was actively involved with the school and spent time on the baseball field. Mr. Engemann said change was inevitable. He lived in the neighborhood for over 15 years and said the community needed a rise. Mr. Engemann said the proposal seemed a good solution and compromise. The people at the school worked hard to accommodate the students and sports teams, but it was a lot of work to figure out how to share time on the field for practices and games. He said the school needed the chance to give everyone a place to call home. He thought the current proposal met the needs of the community. Mr. Engemann hoped the school district would honor their promise to provide the community with access to the open space.

Public Comment exceeded the allotted 15 minutes but Chair Winterton allowed five more minutes.

Sharron Donaldson owned two homes in the Edgemont Neighborhood. She suggested that if the land is sold, the city should have an agreement, in writing, with the school that outlines how they plan to use the property.

Dr. Fidel Montero was the Timpview High School Principal. Dr. Montero had young children who also enjoyed using the green space. But he also knew the school had a need for space; he said hundreds, maybe thousands, of kids compete for use of the space. Often, sports teams must practice as early as 5 a.m. to be able to use the field because that is the only time it is available. He was hopeful for win-win solution that would benefit the school and the neighborhood.

Eric Weight, Provo, was a board member of the Utah Arsenal Soccer Club. He said this proposal would enable the new sports complex. Mr. Weight thought it was critical to allow children the chance to have access to sporting activities. He was grateful for the City allowing their soccer club to use Seratoma Park. The complex was important for future growth. He saw this as a win-win solution and was supportive.

Jenny Engemann, Timpview Neighborhood, had four children who would attend Timpview High School in the future. She traveled often with sports, in her experience, other cities have better facilities. Ms. Engemann thought having better facilities in North Provo would help the community overall.

Sarah Bowman was the Girls Team Lacrosse Coach at Timpview High School. She said providing more spaces for sports would have a positive impact. She believed many life lessons were taught through sports and recreation. Ms. Bowman thought it was possible to find a compromise where both the school and the community could use the fields.

Chair Winterton closed public comment.

Mr. Harding clarified that the sports complex was projected to generate $11 million in economic activity, not revenue.

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| **Consent Agenda** |

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| **3** | **Ordinance 2018-26 amending the Provo City Code regarding Council committees (18-078) (**[**0:46:56)**](https://youtu.be/sOUQLFlNvxs?t=2636) |

Approved by unanimous consent.

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| **Action Agenda** |

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| **4** | **A public hearing regarding the proposed Draft Environmental Assessment (EA), Land and Water Conservation Fund (LWCF) Timp-Kiwanis Bounous Property Conversion. (17-036) (**[**0:45:36**](https://youtu.be/sOUQLFlNvxs?t=2736)**)** |

Scott Henderson, Parks and Recreation Director, Presented. He said this conversion was not a loss of green space; instead, it improved and protected park amenities through commitments from the school district. There was no doubt the students at Timpview High School needed extra field space. Regardless of the sports complex, his department was trying to do what was best for the entire community. There were problems for the city and the school district that needed to be resolved, this was one possible solution. He said doing nothing was not an option and it was his job to find a solution.

Doug Robins, Assistant Parks and Recreation Director, presented. He doubted anyone could have guessed the future needs and growth of the school when the park was acquired in 1967. Mr. Robins said scheduling the field for multiple clubs was challenging and eventually lead to a situation of non-compliance for the school. Ownership of the property was an important factor for the school district. It was unlikely any agency would want to own a property and not manage or maintain it. Proper maintenance of the fields was important in mitigating liability from injury on the field, as history had shown.

Mr. Robins said conversion was the legal process designed to help remedy situations like this. The process to convert LWCF land was designed to be difficult. He said it required a mitigation site. The proposed mitigation site was 54 acres and would be used for a regional sports facility. Mr. Robins said it would have an economic impact on the community. He said selling LWCF land was a serious process that was not being taken lightly.

Thomas McKenna, Parks Project Coordinator, presented the federal requirements for conversion. He said this was a challenging process. He was honored to be a part of the solution to the problem. There was a need for space and a resolution to potential Title IX issues. He said it was their mission to enhance the quality of life of city residents through a commitment to create dynamic parks, recreation facilities, programs, and services of the highest quality.

One of the requirements of conversion was to determine the value of the land through the yellow book process, which meant the land had to be appraised at highest and best use. Residential land was determined to be best use for the land and this was how the value of $2 million was determined. The proceeds must be used to purchase new open space that was unsubscribed. It could not be part of an existing master plan, which disqualified the 8-acre park to the north of Timp-Kiwanis Bounous Park. Based upon studies by the city, consultants, and school district, it was determined that the best place to use the money was for the regional sports complex. He believed the proposal to convert Timp-Kiwanis Bounous Park was the best option for the citizens, Parks and Recreation programs, and Provo School District. He recommended the council approve this proposal on September 11, 2018, so the conversion proposal could be submitted to National Parks Service for review.

Ron Clegg, Consultant, said the document aimed to provide the federal government with an object report. Mr. Clegg reviewed the conversion process timeline. The comment started July 31, 2018 and would continue through the end of August 2018. Comments could be made on the document, which posted on website. He welcomed all feedback. They would need to be addressed before the final submittal. Mr. Clegg reviewed the location and layout of the park. There were several areas of concern, including water well. Over the years there had been Section 6F compliance concerns that needed to be resolved. Timpview High School was also facing a potential issue with Title IX. He said the boys had a field, but there was not a girls’ field, which caused the girls team to commute four miles. There had been no formal complaints filed, but there were concerns.

Timpview was built in 1977 and was experiencing structural issues. Mr. Clegg reviewed projections of enrollment and said there would be 450 more students by 2029. The campus was 29 acres, Provo High School was 39 acres. Many newer schools were on 50 acres. The park could also provide buffer area for construction staging, if the school decided to remodel or expand. The school considered alternatives, including taking no action. The considered 11 potential sites for ball fields. The criteria for a new ball park location was to be close, have enough space for both boys’ and girls’ fields, have street access, and parking. He displayed a map that showed the sites considered, none of the sites met the criteria.

The City considered three possible replacement sites for the Timp-Kiwanis Park, which included Grandview, but it was already acting as park and was owned by school. To the west was Rotary Park and it met the need for the area. In SW Provo there would need to be land that is equivalent in value, $2 million, and provide the amenities needed. According to the manual, the site did not need to be close to the original site, if the property being converted was undergoing major demographic changes. He said if Timp-Kiwanis Park were to be replaced in the same area, there would then be three parks within a short distance of each other.

He showed a concept plan of a park near the airport, just off Lakeview Parkway. The 100-acre site was owned by the LDS Church, and 54 acres would be LWCF land. There would be 20+ fields, 12 of these were on the LWCF land. There would also be restrooms, parking, concessions, multi-use paths and playgrounds. The proposed site did have Native American artifacts that needed to be maintained, they were working with the State Historic Preservation Office. Additionally, a Section 404 permit was needed from the COE for the wetlands. Annual surveys were taking place to monitor for Ute Ladies’-tresses habitats.

He said there had been much consultation and coordination over the past few years. He reviewed the next steps, which would include reviewing and addressing any comments received during the public comment period. The comments would be incorporated into a final Environmental Assessment which would be presented to the council on September 11, then submitted to Susan Zarekarizi, LWCF Coordinator. Eventually, everything would be submitted to the National Parks Service for a decision. He recommended moving forward with conversion process and to try to minimize impact to residents near Timp-Kiwanis Park.

Chair Winterton asked when the Council would get to see the final comments. Mr. Clegg said there would be a section in the document for comments and coordination. He also offered to present the comments to council at a future meeting.

Mr. Handley asked Mr. Clegg to review the Environmental Assessment of Timp-Kiwanis Parks regarding flooding and drainage. Mr. Clegg said residents mentioned flooding in the 1980’s that required sandbagging. He met with Public Works and they conducted research and drafted a letter that was included in the assessment.

Mr. Handley also asked about the Ute Ladies’-tresses; the report said there none in bloom in the fall, but they were told to monitor them for three more years. He asked how this assessment would take place. Mr. Clegg said the initial survey said there was potential habitat for this white orchid type flower, known as Ute Ladies’-tresses. There were none identified in the blooming season which was late July through early August. They have coordinated with Fish and Wildlife Service to take inventory every year for three years. Mr. Clegg suggested just avoiding the area where there is potential for growth. Mr. Handley asked what would be done if they were found. Mr. Clegg said they would probably just avoid the area.

Mr. Handley asked Mr. Clegg to clarify what the specific LWCF violations were. Mr. Clegg said the park was not identified as being out of compliance, but Ms. Zarekarizi did raise concern over Timpview High School using the ball field. Mr. Clegg said some of the residents spoke with her about insufficient public access and use.

Mr. Handley referred to the proposed terms of the interlocal agreement; it said the district and city would define other needed easements on the property and define the maintenance responsibilities of the easements. Mr. Handley thought this was crucial. He asked if these easements had been agreed upon yet. He said if there were clearly delineated rules about use, maintenance, and protection, then that was in perpetuity and was close to the spirit of protecting it as a park. Mr. Clegg said if there were clear rules and protection, then it was close to the spirit of protecting it as a park. He thought the language was important to assure the public. Chair Winterton said right now they were looking at the environmental impact, then after the assessment was complete, the negotiations would be discussed next.

Chair Winterton opened public comment.

Bryan Smith, Provo Resident, wanted to say that Utah soccer was in support of the proposal and hoped council would look at it favorably. He said Utah County had grown over 100 percent for the last 20 years. There were 60,000 kids playing soccer. He said the transition would a good thing.

Justine Jorton, North Timeview Neighborhood, said the replacement property had lots of bugs and mosquitos, she wanted to know how they planned to handle this.

Marian Monnahan, Edgemont Neighborhood Chair, was concerned for the people in her neighborhood. She had read the entire assessment. She recited the definition of environment: surroundings in which person, animal, or plant operates. She did not feel the report addressed the people portion of environment. Taking away the park would put undue burden on the people in her area for the benefit of someone else. She said the community needed open space. She was concerned about the fact there was no access, amenities, or open space. There was nothing in writing from the school district to maintain the park as area of open space. She asked council to request a letter of intent from school board before next meeting.

Sharron Memmott, Provo, read from the conversion process manual. It said the purpose was to increase number of outdoor recreation resources. She also had concerns about the Environmental Assessment. She said Title IX was not a reasonable use limitation. She did not think the land needed to be sold. There was no mention of the impact of building or possible contamination as a staging area for construction. In her opinion, the highest and best use was using the open space.

Lynn Garner had lived next to the park for 50 years. He said when he read the environmental impact statement, he got the feeling it was rationalization for sale of park. The alternatives considered were too easily dismissed. He said the alternative site six was considered by school district before buying the park, so using LCWF criteria to eliminate it was spurious. He thought the environmental assessment had been used as an argument for the sale of the park.

Jay Goodliffe, Edgemont Neighborhood, spoke about the equivalent location. The guidelines found in chapter 3 of the assessment said the replacement property must be of reasonable equivalent usefulness and location as that being converted. With the exception that the original property no longer has any use. He did not feel this fell into that exception nor was it a reason to move the park. He said the actual report made it clear the complex was intended for a different use than community park and was not equal. Mr. Goodliffe said the flooding was not addressed, nor was the well. To address the assertion of LWCF non-compliance, he said the boys’ baseball team could not hold official practice in the off-season (summer), if they were, they were out of compliance with the High School Activities Association. He said anything preventing access in the summer was not Timpview High School. He assumed the public was using it. Lastly, he said the school was committed to keeping it open, but he was not worried that the current administration would keep it open, he was worried whether the next administration would. He said the playground was added to the park because Edgemont Elementary would not allow kids to play on theirs. So, the neighborhood created their own playground. He thought history had proven they do not always keep their word. He said the stronger the agreement, the more credible the commitment would be.

Abby Wilson, Timpview High School Coach, spoke about the projection of the high school. She said it was impossible to not grow with population. She said keeping the land the way it is now was not okay.

Mike Hunter, Timpview High School Athletic Director, responded to Mr. Goodliffe’s comment about compliance and summer use of fields. He said these were camps and clinics using the fields. He assured council they were not breaking rules by holding sports programs in the summer.

Brenda Tata, Edgemont Neighborhood, wished they would look more closely at Canyon Road Parks as alternative to using park as potential to use for ball fields. Her other concern was having a sports complex so close to the lake; she worried about the integrity of the lake, use of fertilizer close to lake, and algae blooms.

Craig Bostock, Provo, was a licenses environmental health scientist, he commended Mr. Clegg for the study. To address earlier concerns of water quality, he said Utah Code Administrative Code R309-600 applied to the well and staging for future development, it would not have impact on the code. He would suggest speaking with water operators and Public Works officials to know if the well is still in use. There had been issues with the well in the past, he encouraged them to look into whether there was water left in the aquafer. He was not around in 1983 when there was flooding, but he said there were many drains added on the west side that would assist in handling this much participation, if it happened again. Lastly, Mr. Bostock was on a committee that worked with the algae at Utah lake, the park being produced did not show signs that it would produce an amount of contamination that would adversely affect the lake.

Mackay Jensen, Provo School Board President, said the well was not mentioned because no one wanted to change the nature of the well or move it. The position of the board was not to change the character or nature of the park.

Bonnie Marrow, the study did not mention where or how it could be used when turned over to SD. She wanted to know what could and could not be used on the land and where it would be limited to.

Chair Winterton closed public comment and said the next hearing would be September 11, where they would have the opportunity to vote on the item.

Mr. Handley asked Mr. Jensen if there would be any more information about the interlocal agreement before the next meeting. Mr. Jensen said the draft was authored by Mr. Parker and was a collaborative effort between the two parties. There was memo of understanding, but he said the memo was not sufficient. Mr. Jensen was waiting for council to propose something to the school board. They were willing to engage in process. Mr. Handley requested the document be available prior to the next meeting.

Mr. Parker clarified that the document was an attempt to summarize feedback provided by neighborhood. It was sent to the neighborhood in response to a request that was made to council in February when the land was added to surplus list. It was a point in time discussion and would continue.

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| **Adjournment** |

The meeting was adjourned at 7:32 p.m. by unanimous consent.