



PROVO MUNICIPAL COUNCIL Work Meeting Minutes

1:00 PM, Tuesday, January 07, 2020
Room 310, Provo City Conference Room
351 W. Center Street, Provo, UT 84601

Agenda ([0:00:00](#))

Roll Call

The following elected officials were present:

Council Chair David Harding, conducting
Councilor David Sewell
Councilor George Handley
Councilor Shannon Ellsworth
Councilor Bill Fillmore
Councilor Travis Hoban
Councilor David Shipley
Mayor Michelle Kaufusi

Prayer

The prayer was offered by Councilor David Sewell.

Business

1. A training on the Open and Public Meetings Act and on Government Records Access and Management Act (GRAMA) requests. (20-006) ([0:07:33](#))

Brian Jones, Council Attorney, presented on the Open and Public Meetings Act. He highlighted elements of the statute which governs the Council's business, noting pitfalls and common violations. In response to a question from Councilor Shannon Ellsworth, Mr. Jones outlined the Council's current rules for conducting meetings. Ms. Ellsworth also asked which entities were subject to GRAMA (Government Records Access and Management Act) and OPMA within Provo City. Mr. Jones clarified that GRAMA applies to the entire city, while OPMA applies only to public bodies (which are authorized by certain requirements). Mr. Jones offered further clarification on common OPMA misconceptions or points of confusion. He also noted the dearth of guidance as to appropriate use of technology and advised the Council on how best to remain in compliance with OPMA and GRAMA while utilizing technology for Council business.

Mr. Jones shared more information about GRAMA, records classification, and the process for providing records to the public and other agencies. GRAMA aims to balance the conflicting interests of the public's access information with the right of privacy. Requests must be specific and GRAMA does not require the creation of new records in response to a request. Mr. Jones noted that the City has seen an increase in GRAMA requests received during the last few years.

In response to a question from Ms. Ellsworth, Amanda Ercanbrack, City Recorder, suggested that the process has become easier with use of an online submission form. She also felt that the public had gained more of an understanding of GRAMA and the right to information access.

Mr. Jones noted that the State statute is very clear on several points, but that some points are regularly interpreted very differently by the State and the State Records Committee. He noted that while some positions on records may be statutorily accurate, they may not be politically expedient with the public or the press. Mr. Jones suggests avoiding the creation of records on personal electronic devices. Mr. Jones also outlined the classifications for records, giving examples of each: private, protected, controlled, and public. When the City receives a request, the responsive records are first identified, and then classified. Portions of the request may be denied, or contents redacted or segregated to maintain the protections of a certain classification.

Councilor David Harding asked about differences between the discovery process in a lawsuit versus GRAMA. Mr. Jones suggested a helpful principle of treating everything as though there were a risk of its going public, even if it was a protected record. *Presentation only.*

2. A presentation regarding updates on new City Center Building design. (20-013) (0:49:16)

Scott Henderson, Parks and Recreation Director, introduced the presentation. Mr. Henderson welcomed the new Councilors and shared some background information and context about the facility project and project timeline. He acknowledged the challenges associated with rising construction costs and the continuing evolution of Provo City as a government organization. The project team was concerned with efficiency, sustainability, remaining on budget, and balancing and prioritizing appropriately among the many needs and requests from departments.

Layton Construction and VCBO Architecture were collaborating on all stages of the schematic design, analysis of structural, mechanical, electrical systems, and construction techniques in order to focus on core bond deliverables from the onset. Construction has already begun on Fire Station #2 and was expected to be completed in the summer. Construction design was underway for the city hall and public safety building, which they anticipated to be finished in early 2022.

Brent Tippets, VCBO Principal Architect, shared a rendering illustrating the site plan and key elements of the building design. The building would create a gateway into the city, while integrating well with existing elements of Center Street and the Covey Center. Mr. Tippets shared details of the building layout and operations of the public safety functions. The current rendering was not a final design of the exterior aesthetic or façade; the intent was to preserve daylight in habitable spaces while balancing security needs.

Councilors shared comments and questions about the design, including:

- Councilor Shannon Ellsworth commented on the 500 West façade and expressed a desire that it not feel stark or isolating for pedestrians. Mr. Tippets shared details about the landscaping scheme, which would contribute to softening the exterior.
- Councilor George Handley asked about plans for a net zero building. Mr. Tippets explained that sustainability was a primary goal and they still hoped to achieve a net zero facility; they were making efforts to reduce energy costs and to design a healthy and

inviting environment. They were still tackling challenges with design of the mechanical system, which would ultimately have a large impact on the final outcome.

- Councilor David Harding also commented on the importance of making downtown walkable and inviting. He noted that design standards for downtown could be a helpful resource for better integrating the 500 West façade. He wondered whether the plaza on 500 West and Center Street would be inviting enough given the traffic in the area.

Mr. Tippetts shared that at a recent public open house, the project team received positive feedback and comments from many business owners and residents. *Presentation only.*

3. A presentation regarding Wastewater plans. (20-014) (1:16:04)

Dave Decker, Public Works Director, introduced key staff members in Water Resources, as well as representatives from several design and engineering consultants working with the City. Mr. Decker shared an update regarding plans for the wastewater treatment plant, highlighting:

- milestones in the master planning process
- a timeline of the State's compliance requirements
- recent progress on the new treatment plant, including location and technology selection
- financial considerations of the project and their related impact to utility rates
- related capital improvement plants, system modeling, and system repairs

The new wastewater treatment plant is planned to be constructed in phases over the next several years, while the existing plant will remain operational. Mr. Decker thanked the staff and consultants who had been instrumental in bringing the project forward. *Presentation only.*

4. A discussion regarding past Council goals and objectives. (20-016) (2:05:20)

Council Chair Dave Harding introduced this presentation. He shared background information on the Council's priorities in 2019 and the projects the Council began and completed. Councilor George Handley expressed that he was interested in maintaining the momentum of several existing committees that had legislation work in progress, particularly the Foothills Protection Committee. Brian Jones, Council Attorney, highlighted the timeline for pending land use legislation, noting that it created a six-month window of time for enactment.

Cliff Strachan, Council Executive Director, noted that the following presentation would provide Councilors with more information and context on various Council committees. The intent was to orient the new Councilors with the various committees and allow them time to review current assignments and choose their committees for the coming year. Councilors were invited to communicate these preferences to staff and Council Leadership; at a future Work Meeting, the Council would adopt a new set of assignments by motion. *Presentation only.*

5. A presentation regarding the progress of Council ad hoc Committees. (20-015) (2:53:00)

Hannah Salzl, Policy Analyst, presented on the Council's ad hoc committees, with particular emphasis on the active committees. The active committees included: Housing, Joaquin Parking, Zoning Compliance, Foothill Protection, Downtown Parking, and (Electronic) Sign Committees.

Councilors shared comments and asked questions about the committee work, including:

- Councilor Shannon Ellsworth asked whether there was a difference between zoning compliance and code enforcement. Cliff Strachan, Council Executive Director, shared background information on the Zoning Compliance Committee, was formed to work on a strategic plan that would address numerous zoning issues, including over-occupancy. Brian Jones, Council Attorney, clarified that when the committee was formed, the discussion had been broader than simply enforcement—the committee hoped their work would achieve higher rates of compliance on several fronts, including enforcement, education, and incentivization.
- Councilor David Harding was interested in finishing out the Zoning Committee’s work on short-term rentals specifically, though he was fine to turn over other zoning initiatives to other interested Councilors. He liked the idea of creating narrow ad hoc committees tailored to a specific item with a specific deadline, to help their work be more focused.
- Ms. Ellsworth expressed that she was concerned about siloes in government; she wanted to avoid redundancy where at all possible. She also wanted to provide the Planning Commission more opportunities to be proactive in planning, rather than reacting to specific projects. She saw many instances where issues related to land use also related to housing and planning, and there was so much more the Commission could do.
- Mr. Harding also thought it would be a great opportunity to create a formal City board or commission for housing with community stakeholders who could interact and share feedback with the City. Mr. Strachan added some that recent meetings on policy discussions have involved just the Councilors on the Housing Committee.
- Councilor David Sewell noted that the Neighborhood Program Review Committee had been composed of several Councilors, but had since merged with the Neighborhood Advisory Board, though there may still be a need to continue the program review work.

Presentation only. This discussion was continued to the Work Meeting on January 21, 2020.

6. A presentation regarding the Utah Valley Chamber of Commerce's Valley Visioning project. (20-011) (2:25:34)

Rona Rahlf, Utah Valley Chamber of Commerce CEO/President, presented. Ms. Rahlf shared information and an update on the Valley Visioning process for Utah County. She noted that Utah Valley continues to increase in population but not land mass. As change inevitably comes, area leaders can either champion or resist change. The Chamber has partnered with Envision Utah to hold community workshops and surveying; they have experienced tremendous support from BYU, UVU, and community businesses. Ms. Rahlf said that six priority working groups were formed (to gain professional expertise and perspective) based on the findings and synthesis of public opinion: water quality and quantity; air quality; transportation; housing; workforce and education; and agriculture and open space. The Chamber was continuing their media campaign to engage the local community and their survey just cleared 10,000 responses.

Councilors shared comments and feedback on the Valley Visioning process:

- Councilor George Handley was concerned about the lack of concern regarding climate change. Several items among the priority groups were connected issues, but he was concerned about balancing the visioning process so that it captured issues of larger importance that were not necessarily at the forefront of respondents’ thoughts. He hoped there could be more of a holistic approach to tackle these large problems head-on.

- Councilor Shannon Ellsworth stressed the importance of seeking representation on the boards, planning groups, steering committees, and survey respondents; for instance, she wanted to make sure women were involved as women comprise half of the population.
- Councilor Travis Hoban was interested in the survey methodology that was used; he noted that survey design can prompt certain types of responses, which could account for the priorities that were identified.

Andy Pierucci, Policy & Business Development Director, shared comments on the process. In April, the Chamber would hold a Valley Visioning Summit, after which they would be working with Envision Utah to compile the plan. *Presentation only.*

7. A presentation regarding the State Auditor Fraud Risk Assessment. (20-012) (3:13:06)

John Borget, Administrative Services Director, presented. Mr. Borget introduced several Finance staff members and he shared information from the State Auditor regarding fraud prevention. Mr. Borget reviewed the responses Provo City had given to a fraud risk questionnaire provided by the State Auditor and highlighted several items of note for the Council. One of the most critical factors was having an appropriate separation of duties, which was an integral component in the composition of Provo's Finance division. In response to a question regarding how the Council could best help, Mr. Borget indicated that the Council's forming an Audit Committee and Councilors' participation in taking the State Auditor's fraud risk training would be the most helpful in improving the City's response to these fraud prevention measures. *Presentation only.*

Policy Items Referred from the Planning Commission

- 8. Ordinances amending the General Plan designation/Zone Map classification of approximately 0.78 acres of property generally located at 862 E Quail Valley Dr from Public Facilities (PF) to Residential (R). Edgemont Neighborhood. (PLGPA20190009/PLRZ20180430) This item was continued to the evening Council Meeting. (3:29:45)**

Closed Meeting

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: David Sewell moved to close the meeting. Seconded by Shannon Ellsworth.

Vote: Approved 7:0.

Adjournment

Adjourned by unanimous consent.