



PROVO MUNICIPAL COUNCIL

Redevelopment Agency of Provo

Regular Meeting Minutes

6:00 PM, Tuesday, February 24, 2015

Room 200, Municipal Council Chambers

351 West Center, Provo, Utah

Opening Ceremony

Roll Call

THE FOLLOWING MEMBERS OF THE COUNCIL AND ADMINISTRATION WERE PRESENT:

Council Member Gary Garrett
Council Member David Sewell
Council Member Kim Santiago
Mayor John R. Curtis
Deputy City Attorney Brian Jones

Council Member Gary Winterton
Council Member Vernon K. Van Buren
Council Member Harold L. Miller, Jr.
Deputy Mayor Corey Norman
Council Executive Director Matthew Taylor

Conducting: Chair Garrett

Invocation and Pledge – Eric Watkins, Franklin Neighborhood

Mayor's Items and Reports

- 1. Resolution 2015-13 authorizing the Mayor to execute an agreement terminating any potential reversionary interest of Provo City in real property currently owned by Intermountain Healthcare Health Services, Inc. and generally located at 1055 N. 300 W. (15-029)**

Brian Jones, Deputy City Attorney, presented. In 1937 Provo City deeded 11 acres of property to Utah Valley Hospital, now Intermountain Health Care (IHC), for the express purpose of building and operating a hospital. There were provisions in the deed that stated the property would revert back to the City if the hospital was not constructed or if the hospital was constructed but not maintained or continue to operate. IHC was trying to sell part of the property to the group that operated the Physicians Plaza, located on about one acre that fronted 300 West. IHC has asked Provo City to terminate its right to receive the property back so that the land could be sold. The remaining 10 acres would still be under the conditions of the original deed agreement.

In response to a question from Ms. Santiago, Guy Kroesche an attorney for Intermountain Health Care (IHC) stated that IHC was leasing space within the Physicians Plaza and the arrangement was expected to continue. He added that IHC would have a right of first refusal in the event of

any subsequent sale of the property to another party. Mr. Kroesche stated the owners of Physicians Plaza were paying property tax on this piece of property.

Motion: Council Member David Sewell moved to approve **Resolution 2015-13**. The motion was seconded by Council Member Kim Santiago.

Roll Call Vote: The motion passed 6:0 with Council Members Garrett, Miller, Santiago, Sewell, Van Buren, and Winterton in favor.

A public meeting to consider the appointment of an individual to the Provo Municipal Council to fill a portion of the unexpired term of Council Member Stephen A. Hales, representing Council District 5 until January 4, 2016

2. Applicant interviews.

- **Each applicant will be allowed a time-limited opening statement to the Municipal Council.**
- **The Municipal Council will ask questions of each applicant.**
- **Each applicant will be allotted an additional two minutes to provide closing remarks.**

Chair Garrett announced the Council had received four applications for this position. Three of the four applicants were in attendance.

Mr. Jones explained that the appointed individual would serve until January 4, 2016. The election that takes place this year (2015) would also include a race for Council District 5 with the winning candidate serving the final two years of the unexpired term of Council Member Stephen Hales.

Calli Hales Opening Statement:

Ms. Hales stated she had lived in Utah Valley a total for 56 years and in Provo for 35 years. During that time she had seen economic and population changes. She loved this area and this was home. She and Stephen had talked about politics for a number of years but thought they would wait. In 2013 he expressed urgency and a prompting to run and so he applied. He had represented the district for one of the four years and he did a very good job, especially considering the work load. She felt an innate desire to fulfill as much of his four-year term as possible. They had spoken often about the issues and government and how he could best serve District 5 and the entire community of Provo. They were a family of nine and lost their first son to cancer as well as Stephen. They had seven children in 11 years and five in six years so it had been a mini city council on the home front. They considered leaving the district at different times but it ended up staying in the area permanently. They had been in the same home for the entire duration of their marriage. She loved Provo and loved to see the economic changes, development, and the opportunities that lie ahead. As a Council, it was important to come together and work

together to represent the people. The government was by the people, for the people, and of the people as Abraham Lincoln described in the Gettysburg Address.

Calli Hales Question and Answer Period

Mr. Sewell asked Ms. Hales what her motivation was for applying for this appointment and how it came about. Ms. Hales said she and Stephen supported each other and had a wonderful relationship. They talked about everything, decided everything together, and she supported him throughout his campaign and as long as he could serve. She had four years' experience with city government on a smaller scale. Since she worked for a smaller city she was involved in every area of city government. It was very educational and she gained an understanding of how government worked.

Ms. Santiago asked her to expand on her experience with Payson City and what that experience would bring to this council. Or, what personality trait she had that best suit her for this position on the council. Ms. Hales indicated she was a support services type of person, she did not talk a lot but she did observe and make contributions. She had worked with two mayors, two administrative assistants in the city, the city council, planning commission, interns, and the Justice of the Peace. She stated she would contribute her time and talent and work as a synergized body in working together.

Chair Garrett indicated Ms. Hales had answered his question about her relationship with her husband and how they shared a vision for the city. He asked that, in the tender times before he passed, if they considered this outcome and what thoughts did they share about filling the seat? Also, describe in a little more detail that shared vision relative to Provo issues. Ms. Hales said that in her home they talked about everything and shared everything. It was not a foreign idea for her to want to finish his term in office. She loved Provo and loved the people and all that went on in the community. She thought that if Stephen were here he would support her in every way possible.

Mr. Winterton asked when she worked for Payson City, if she was interested in running in November, and if she was involved in the meetings for the Joaquin Master Plan. Ms. Hales replied that she worked for Payson City from 1976 to 1980. She said she would be interested in running for the position in November. She said her experience with the Joaquin Master Plan was mostly through Stephen.

Mr. Van Buren noted that she had mentioned economic changes she had seen in the City. He asked her to identify one or two positive changes and one or two things the City could improve on. Ms. Hales thought it had been interesting to see Riverwood's developed and expanding. She had recently heard that some of the businesses were looking for larger acreage and so they were moving north out of Provo. The East Bay area was a concern. She felt the University Mall had the biggest impact on Provo as the central business district. Downtown Provo businesses thought they would always be the controlling business district and then the University Mall was built and it impacted Provo big time. The coming of the Provo Temple would impact our downtown in a positive way. NuSkin was amazing and was a big benefit for Provo. The mayor was proactive in promoting economic development and courting big businesses to bring them to

Provo. She felt there would be wonderful things happen in Provo if they focused and supported economic development.

David Harding Opening Statement

Mr. Harding wished more than anything that Council Member Stephen Hales was still here and this process was not happening. He was born and raised in Salt Lake City but considered himself an 8th generation Provoan. He had ancestors in the Provo City Cemetery that passed away in 1853. His own family moved back to Provo eight years ago while he was writing his dissertation. He had a Bachelor's Degree in Metallurgical Engineering and a Doctorate in the field of Material Science. He has found his education and professional experience to be very helpful in his public service. In science and engineering he identifies problems and opportunities, strives to understand the causes, creates plans, executes plans, and evaluates the results. When they moved to Provo he found that anyone who showed up to meetings, was willing to volunteer, and asked questions was given ample opportunity to serve. He was asked to serve on the local elementary school's community council when he asked about crossing guards. He has attended multiple neighborhood trainings where they learned to bring together interested residents and stake holders to determine what was needed in the neighborhood and then roll up their sleeves and make it happen. The Dixon Neighborhood had four active projects; friendly sidewalks, Day of Service, garden sharing, and the re-launching of their mobile watch. If appointed to the Council he would follow the pattern of defining who they were, understanding their treasures and challenges, and refine the communities vision for the future of Provo. He would assist the Council in finding the best policies and priorities to turn the vision into a reality.

David Harding Question and Answer Period

Mr. Van Buren commended Mr. Harding for his work in his neighborhood and the ability to come together as a group with good decisions. Mr. Van Buren asked him to identify some areas of concern for Provo and how they needed to be addressed and then areas he was pleased with the direction Provo was heading. Mr. Harding replied that this was a pivotal time for Provo. How they chose to grow and proceed would affect the quality of life. He felt the west side development was a critical area. If the City continued to develop as they had in the past we would be missing out on a big opportunity. This issue was both a concern as well as an opportunity for growth. The Provo City Temple was, in his opinion, going to be a game changer. It already had an effect and it would have a greater effect in the future. We need to capitalize on the momentum we have and the opportunities that were presenting themselves.

Mr. Winterton asked if he was interested in running in November and what was involved with the time commitments to serve on the Council. He also asked if there was anything in the Vision 2030 plan that he was excited about. Mr. Harding said he was not actively pursuing running in November. Because of the unfortunate situation with Mr. Hales, he chose to step forward and was willing to serve. He spoke with his wife and employer and committed to the next ten months. Whether he would revisit that decision might depend on the next couple of months. Also, it might depend on who else expressed an interest in running. Mr. Harding stated he would make the time right now. He indicated he might not be the Dixon Neighborhood Chair and he might need to step down from the TMAC committee. For the past three weeks he had tried to

attend every meeting he could to get himself up to speed and get his feet wet. He felt it was the right decision to serve in this position. As for the Vision 2030 document, he stated he loved the Provo River, including the Provo River Trail. He agreed that it had been underutilized and the City needed to use it as an asset rather than hide it.

Chair Garrett noted that Mr. Harding had referred to the sustainability of city finances in the documents prepared for the Council and specified city subsidized services such as the Library. Having attended the work session where user fees were discussed did he have any thoughts concerning this discussion? Mr. Harding stated his thoughts were not very well formulated and were still open discussion. He stated that not all services were created equal. When the discussion turned to how close the Police Department would be to breaking even on user fees it worried him a little bit. He felt the Police Department was something they would gladly pay for through sales and property tax. The PAFR showed the library user fees were three or seven percent of the total library budget. He hoped we did not think our library was going to be self-funded. The library had an indirect yet very real benefit to all citizens of Provo, whether or not they frequented the library. The user fee system that was proposed gave the City a framework to evaluate the fees but he felt that they could decide, as a community, which services they wanted to be self-sustaining and which services they were happy to pay for with our sales and property taxes.

Ms. Santiago asked what attribute he had that made him best suited to be a Council Member. Mr. Harding replied that even people that he had disagreed with gave him letters of support. That was something he had strived for, to disagree with someone on issues but come away with a greater understanding and mutual respect. He enjoyed discussions and debates, but only on issues and not personalities.

Mr. Sewell likewise noticed some of the things mentioned in the letters and appreciated the trait he just mentioned. He asked Mr. Harding to explain his motivation to run. He felt it was a little unusual that he was only interested in serving for ten months and not sure he wanted to serve beyond that time. Mr. Harding replied that his motivation was that he cared about the community and wanted to live here for the rest of his life. He found a great role as a neighborhood chair and would not mind continuing in that position, along with his time on the TMAC committee. This was an unfortunate situation and he felt it was unfortunate when there were races with only one person stepping forward. He discussed the decision with his wife and they decided to put his name forward. He felt he could step into the role and contribute. It was a major time commitment. He was willing to make that commitment for ten months. Beyond that he would have to see how the first three months went, which was the time frame before needing to file for the position. Another issue was who else would be willing to step up.

Stephen Hemingway Opening Statement

Mr. Hemingway reported he was a licensed appraiser and sold real estate so he understood land issues and could bring his experience to the Council. In the 1990's he was Chair of the Central City Community Council in Salt Lake City. There were all kinds of events and activities that occurred in the area while he was serving on the committee, including the closure of many schools and businesses. He was a catalyst in getting the schools used for other purposes.

Lincoln Junior High was rezoned and became a mall. When South High closed he worked with the community college to purchase the school for their campus. When asked what he would bring to the Council he replied he was a catalyst. People may not like you but you could get things done. You do it in a way that they come back and shake your hand afterward. Four years ago he ran for Utah County Assessor and lost. More recently he ran for Utah County Commission and lost. He was willing to run and put forth the effort. He noted he ran for this position in 2013 and received 300 votes in the primary. He was smart with a Business Administration and Economics Degrees from Westminster College.

Stephen Hemingway Question and Answer Period

Mr. Sewell said that Mr. Hemingway had answered his question about motivation in his opening remarks. Mr. Hemingway stated his goal was to get progress through participation. He wanted to get people out because he wanted to make his neighborhood a better place.

Ms. Santiago asked that if selected what his role would be in regards to providing a structurally balanced budget into the next ten years. Mr. Hemingway said he would first need to find out where we were. At this point he did not know but he was a quick study. He wanted to make Provo a profitable city.

Chair Garrett noted he was a licensed appraiser and had worked in the Utah County Assessor's Office. He asked how long he had lived in this area and what thoughts he had about development. Mr. Hemingway said there were so many good options right now, especially the block north of the Covey Center where a hotel was to be built. When running for the Utah County Commissioners position he started to contact hotels to try to bring them into the City. He wanted to help the City move forward with what they had.

Mr. Winterton asked how he felt about the 2030 document or the Provo City Master Plans. Mr. Hemingway said he did not know what was in the plans and would have to study them and work out some ideas.

Mr. Van Buren noted he had mentioned the phrase progress through participation. How would he apply that slogan to some of the needs the City had? Mr. Hemingway replied that was the slogan he put on the bottom of the newsletters he sent out. When he worked in the Utah County Assessor's Office he tried to convince everyone to move to Provo. He would show houses and lots in Provo before any other city. He had the opportunity to move anywhere and chose to buy on the west side of Provo because it reminded him of where he grew up. District 5 carried not only the residential component but was also the business component.

Joe Brockbank

Mr. Brockbank was not present.

Stephen Hemmingway Closing Remarks

Mr. Hemingway stated he loves Provo. He has lived here for ten years and wanted to use his talents, education, abilities, and passion to be a catalyst for Provo. He wanted the City to be the best city in Utah County, and the State of Utah. By studying the master plans he would be able to find goals to make things happen and to help the City utilize its resources and talents.

Dave Harding Closing Remarks

Mr. Harding stated he loved Provo, loved living here, and being involved. He loved the stimulating, intelligent people he interacted with, both in his neighborhood and in the city. He felt this was a critical time in Provo's history and he was willing to help move the vision along and make the vision a reality. He enjoyed the time he worked with Stephen Hales on the transportation issues when he came before the TMAC committee. He enjoyed working with him and other council members on the BRT issues. He felt he was able to get to know his opinion was on several things and supported him when he ran in 2013. Mr. Harding felt he had the ability and experience to represent District 5.

Calli Hales Closing Remarks

Ms. Hales said they loved Provo. Their heritage was here in Provo since 1850 with Charles Henry Hales and Parley P. Pratt. They loved Provo and were interested in the development of Provo and were here permanently. She looked forward to the budgeting process to make sure it was balanced and fiscally conservative. She enjoyed working with Gene Nelson at the library and getting a current insight on budgeting in Provo. She knew that the government represented the people that lived here and it was important to listen and to be humble servants in order to develop a community that was strong and nurturing.

3. A vote narrowing the candidates to two individuals.

Mr. Jones reported that state statute required the candidates be narrowed to two. The Council would take a first vote and select the two candidates with the highest votes. A second vote would be taken on the top two candidates.

Chair Garrett invited Council Members to nominate and vote for two applicants to move to the final round.

- David Sewell selected Calli Hales and Dave Harding
- Kim Santiago selected Calli Hales and Dave Harding
- Gary Garrett selected Dave Harding and Calli Hales
- Hal Miller selected Calli Hales and Dave Harding
- Gary Winterton selected Calli Hales and Dave Harding
- Kay Van Buren selected Calli Hales and Dave Harding

4. A vote selecting a final candidate.

Chair Garrett invited Council discussion before the final vote was taken.

Mr. Sewell stated the Council had two excellent candidates to choose from. He expressed that he enthusiastically and unreservedly would vote for Calli Hales. When Stephen Hales was elected he was going up against an incumbent and was outspent 3 to 1 and yet he won by a 2 to 1 margin. That was about as close to a mandate as you could get. The voters in District 5 had a lot of confidence in Mr. Hales. They had received a lot of letters and emails and the Council Members had to try to figure out who the voters would vote for if they voted today. The only thing he had to go on was the last election. He believed that Calli Hales was in the best position to closely follow the path her husband would have taken in terms of decisions, priorities, and goals. That was why he would vote for her. Dave Harding was a phenomenal candidate and he would love to see Mr. Harding on the Council also. He hoped they could get him at a time when he could commit to two or even four years and that he would run when the time was right.

Ms. Santiago stated that if Calli Hales was appointed as a Council Member and Dave Harding stayed on as the Dixon Neighborhood Chair and a member of the TMAC committee the City would have the best of both worlds. She had a list of all the letters they had received and five pages with signatures of support for Ms. Hales. She said it was a Council vote but it was also a vote for District 5. Mr. Hales had won with a resounding vote so it was fitting that Ms. Hales replace him. Her knowledge and experience with city work through Payson City was incredible. To have the knowledge of Provo City and the inside scoop from Mr. Hales was invaluable. Ms. Hales was in it for the long haul; she was willing to run in November. Ms. Santiago said she could not think of anyone better to be sitting on the dais next to her; it would fill a void that was left when Council Member Hales passed away.

Mr. Van Buren stated that as a council they were appointing someone but they don't know how the district would vote. The appointment was for just for a few months. There was the opportunity for anyone to run during the next election that could get the support from the district and get elected. If they (the Council) made a mistake it would only be for a short time. The members of the district would correct the mistake. They felt they had great candidates and looked forward to serving with whoever was appointed.

Mr. Winterton was grateful for the opportunity to work with both the candidates. They had influenced his life greatly. As Council Members they all want to do what was best for the City. Each district had different concerns and the bottom line when he voted was what would be best for Provo City. He looked forward to doing that in just a minute.

Chair Garrett asked the Council Members to place their votes.

- Kay Van Buren voted for Calli Hales
- Gary Winterton voted for Dave Harding
- Hal Miller voted for Dave Harding
- Gary Garrett voted for Calli Hales
- Kim Santiago voted for Calli Hales
- Dave Sewell voted for Calli Hales

5. Resolution 2015-14 appointing an individual to the Provo Municipal Council to fill a portion of the unexpired term of Council Member Stephen A. Hales representing Council District 5 until January 4, 2016. (15-023)

Motion: Council Member Kim Santiago moved to approve **Resolution 2015-14** appointing Calli Hales to the Provo City Council. The motion was seconded by Council Member Gary Winterton.

Roll Call Vote: The motion passed 6:0 with Council Members Garrett, Miller, Santiago, Sewell, Van Buren, and Winterton in favor.

Administration of the oath of office to the appointee.

Janene Weiss, Provo City Recorder, administered the Oath of Office to Calli Hales.

Ms. Hales was invited to take her place on the dais.

Adjourn

Motion: Council Member Vernon K. Van Buren moved to adjourn meeting adjourn at 7:18 p.m. The motion was seconded by Council Member Calli Hales.

Roll Call Vote: The motion passed 7:0 with Council Members Garrett, Hales, Miller, Santiago, Sewell, Van Buren, and Winterton in favor.