

1 **PROVIDENCE CITY COUNCIL MEETING MINUTES**  
2 **February 26, 2019 6:00 PM**  
3 **Providence City Office Building, 164 North Gateway Drive, Providence UT**  
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6 **Opening Ceremony:**

7 Call to Order: Mayor Drew  
8 Roll Call of City Council Members: Mayor Drew  
9 Attendance: B Frez, K Allen, R Sneddon, K Eck, D Giles  
10 Excused: None  
11 Pledge of Allegiance:  
12 Opening Remarks – Prayer: Josh Paulsen  
13

14 **Approval of the minutes**

15 **Item No. 1.** The Providence City Council will consider approval of the minutes of February 12, 2019  
16 **Motion to approve the minutes for February 12, 2019 – B Fresz , second – D Giles**

17 **Vote:**

18 **Yea: B Fresz, K Allen, R Sneddon, K Eck, D Giles**

19 **Nay: None**

20 **Excused:**

21 **Corrections:**

- 22 • Page 8 Line 386 ~~a power line to the roof~~ **an electrical conduit to the attic**  
23

24 **Public Comments:** Citizens may appear before the City Council to express their views on issues within the City's  
25 jurisdiction. Comments will be addressed to the Council. Remarks are limited to 3 minutes per person. The total  
26 time allotted to public comment is 15 minutes. The City Council may act on an item, if it arose subsequent to the  
27 posting of this agenda and the City Council determines that an emergency exists.

- 28 • None  
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30 **Public Hearing(s):** None  
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32 **Business Items:**

33 **Item No. 1. Discussion:** The Providence City Council will discuss the Secondary Water Ordinance.

- 34 • Mayor Drew explained that the discussion will be to address operational questions rather than the  
35 content of the ordinance.  
36 • K Allen explained that he is concerned with the additional work load to an already busy public works  
37 department. He asked if there will be sufficient funds to support additional maintenance and supervisory  
38 roles. He also asked about legal costs for suing those who damage lines, or for cases where someone  
39 wants access to the system but the city does not allow it.  
40 • Mayor Drew said that we will not have to add any staff. He has discussed this with R Stapley, Public Works  
41 director. Mayor Drew explained that there will be about 6 residences initially that will hook up to the  
42 system. Meter reading will be done remotely by radio. We already send someone out every day to check  
43 the pump and the pond. We already regularly maintain the pond.  
44 • K Allen asked if the new meters have been purchased and how the cost will be covered.  
45 • Mayor Drew said that the council will decide that issue.  
46 • S Bankhead explained that the meters have been ordered but are not in house yet. Mayor Drew  
47 explained that it is up to the council to determine if there will be a charge for this service.  
48 • S Bankhead referred to page 9 and explained the ordinance. The ordinance says that Providence City will  
49 bear the cost of the new meter for residents who are existing utilities customers, unless they fail to apply  
50 for connection to the secondary water system within 6 months of notification that it is available for their  
51 property. If the resident comes on quickly the city will pick up some of the cost.  
52 • K Eck asked how much a meter costs.

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- S Bankhead said that they are about \$425.
  - K Eck felt that the system should be run for a year to see what it would cost the residents and then the rates should be set.
  - R Sneddon asked for clarification on page 9 line 14. The following change was suggested: damages or injury to lines ~~apertures~~ ancillaries
  - R Sneddon suggested the following change for Page 12 line 15: fixture of the City's System
  - R Sneddon asked for clarification on page 4 line 2. He felt that this creates an implicit promise that all properties that are connected to the culinary water system will receive secondary water. Mayor Drew explained that the next sentence specifies that only those properties listed in Appendix A will receive secondary water.
  - Sharell Eames read a letter from Ralph Daniels, the water master of Spring Creek Water Company and also a member of the board of directors. He refers to section 8-5-1, and 8-5-2. He approves of the intent of the city to make secondary water available, but not to force it. He then referred to the section on cost. He is concerned that the ordinance does not require taking turns, which is required of shareholders in both water companies operating in the city. The ordinance allows for unlimited water consumption. He thinks that the city intends to make the irrigation companies look bad. He then referred to 8-5-6. He is concerned that the City can damage a resident's property without being held liable. He then referred to 8-5-9. He questioned whether "not currently required" meant that sometimes it could be required. He was concerned about the costs of the system to residents who connect to it. He felt that a 1 1/2 inch connection adds more expense and time. Some residents would need to tear out their existing 2" pipe and replace it. He was concerned that a resident could spend the money to connect, and then be disconnected at the City's discretion. He was concerned that the fees would be more than the cost of the water company shares. He was concerned that eventually, some residents will be charged for not signing up for the secondary water system. He is concerned that he and others will not be able to afford it.
  - Mayor Drew explained that any share holder in Spring Creek Water Company will not be required to connect to the pressurized system. This system is for people who currently do not receive irrigation water.
  - S Eames asked if the city will use its shares in Spring Creek and Blacksmith Fork water companies for the secondary system. Mayor Drew said that that is the plan.
  - K Allen stated that he feels that as new development comes into the city, it is important to have this ordinance in place to make available a secondary water system.
  - R Sneddon referred to R Daniels' letter. R Sneddon said that when secondary water is made available to an area, and those who do not sign up are penalized, this is beneficial to the City and the citizens in the long run because it saves the use of culinary water.
  - S Bankhead explained that she has spoken with other cities about their secondary systems. She stated that she is unaware of specific rates. She felt that K Eck's idea to wait to set rates may be a good idea because there are a small amount of homes that will be on the system at first. We can start tracking the man-hours and pump costs based on that.
  - R Sneddon said that the council should pick a reasonable rate based on what other cities charge, and then adjust it based on the experience of the first year.
  - Mayor Drew mentioned that the council had discussed a reduced initial rate to incentivize people to hook up to the system.
  - Blaire Martin of Providence felt that if this is posed as a green initiative, and rates remain the same as culinary water for a year and then went down afterwards, residents may be willing to do that.
  - Mayor Drew would like to discuss rates at the next meeting.

98 **Item No. 2. Discussion:** The Providence City Council will discuss Title 10 Chapter 4, Life Cycle Residential Zone.

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- Mayor Drew explained that the wording changes that are proposed are being discussed by the Planning Commission. It will be discussed as a study item at their next meeting on February 27th, 2019.
  - S Bankhead stated the the Planning commission would recommend that the application process (section I) be moved to 10-5b1 instead of it being a part of the LCR ordinance.
  - S Bankhead explained that Executive Staff felt that the phasing (section J) belongs in the subdivision portion of city code instead of in the LCR ordinance.

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- S Bankhead explained J Paulsen's comments that were sent to the city. She stated that she felt they were great comments, but that they focused on affordable housing. She said that LCR was meant to be a tool that could be used for projects focused on all income levels. The purpose of it was to encourage diversity in demographics. She said that J Paulsen's suggestions could be used in the Moderate Income Housing Plan, or in the General Plan. One thing that Executive Staff did use from J Paulsen's document was the concept of functional community space.
  - S Bankhead stated that LCR was not developer driven in the beginning but rather citizen driven. Some residents were asking why we can't have more active adult communities, or town homes with a view, etc. Because of these comments, the city started looking into what other cities were doing, and talked to developers about what would work. She explained that it was designed to create diversity within the community.
  - B Fresz felt that the Functional Community Space section needs more clarification. He felt that it was not clear how the space would be calculated or defined.
  - Bill Johnson asked if the council knew how many people would be coming into the city within the next five years with these big developments.
  - Mayor Drew explained that the proposal for the Highlands development has about 276 units.
  - K Eck asked about section H(3) wherein it states that certain areas can be considered Functional Community Space through a conditional use permit.
  - S Bankhead explained that areas that are considered non-developable sensitive areas have to be subtracted out of the acreage available for calculating density for building housing units. However, some of these areas could be used as functional community space. The developer needs to go through the conditional use process so that the city can make sure that the sensitive area is appropriate for a functional community space, and that it is integrated into the overall plan for the area.
  - Mayor Drew said that LCR was not about low-income housing when the ordinance was designed.
  - Sandy Berrett of Providence felt that the problem is that no one hears from the people who want this zone. She stated all that she sees are the people who are against it. She feels that this is only a benefit for the developer and not for the residents who live here already. She said that the homes on her street have sold quickly, and that if Phase 3 of the highlands were open to single-family homes, they might also sell quickly. She disagrees with the idea that the developer needs a rezone because he cannot sell lots.
  - Mayor Drew said that the original plan that the city agreed to 14 years ago was to put in 500 homes on the bench. The idea of there being significant density up there is not new.
  - Blaire Martin of Providence said that the reason why citizens associate LCR with affordable housing is because the mayor presented it to them that way. Mayor Drew explained that the market has driven Providence city to this conversation and stated that this is not low income housing, but rather middle class housing.
  - Ashley Nance said that functional space needs to be better defined in the ordinance so that the developer will not be able to simply leave the land open. She also feels that town homes without yards lead to transients, because people will not want to stay long-term in a place with no yard. According to research she has done, what makes people happy in their communities is residents remaining long-term. She would like to see a subsection of the ordinance for town homes on the east bench and one for town homes on the west side of the city near the highway. She feels that in order to avoid transient residents, they need to have an extra reason to stay if they are far away from the convenience of the highway. A yard could provide that reason.
  - Jeff Jackson of Visionary Homes said that he will share some comments that he has already shared with the Planning Commission. He felt that the current ordinance is focused on housing types, but that this does not help a developer to attract different life cycles. If the code was focused on attracting these life cycles, the developer could be more creative. He noted that the current code seems to require apartments if the development is over 25 acres. He felt that if the development is over 25 acres, 4 different life cycles should be required, such as first time home buyers, active adults, move up home buyers, etc. He feels that the focus should be more on demographics than on housing types. For example, you could have two different types of town homes, one type with amenities attractive to millennials, and one with amenities attractive to empty nesters. Or, a developer could build an entire subdivision of single

157 family homes targeted to four different demographics: small two story homes for millenials, larger homes  
158 for move-up buyers, single story homes for seniors, and estate homes for the wealthy. He said that while  
159 he is in favor of open space, the proposed 25% functional open space is extreme. Most cities have a  
160 requirement for open space, and a separate requirement for functional open space. Functional open  
161 space is typically 10-15%, and typically 20-25% is the true open space requirement. He said that the 25%  
162 requirement would only leave 60% of the ground for housing units after roads and setbacks are taken out.  
163 He mentioned that community open space has a lot of issues that need to be worked out, such as liability  
164 and maintenance issues. It is also not fair that residents in the development will pay an HOA fee for the  
165 upkeep of the open space, and yet it will be accessible to all citizens of Providence.

- 166 • K Eck feels that if you require 25% functional community space, it will create a development that is not  
167 desirable. It would be better to require 20-25% total open space, rather than functional community space.
- 168 • K Allen felt that people should stop looking at the developers as people who want to take everyone's  
169 money, or at the residents as the enemy. Many developers care about how their project turns out, and  
170 want to put in something that is desirable.
- 171 • K Allen explained that the LCR zone came about because council members were thinking about the needs  
172 of citizens who have not yet moved into Providence, but would like to. He has lived through all the life  
173 cycles, and would like to be able to stay in Providence and not have to live down by the highway.
- 174 • D Giles agreed with J Jackson's comments. He felt that the ordinance is getting there but still needs work.
- 175 • Dee Yoast said that she related to K Allen's comments. She has also lived in many types of housing, and no  
176 longer wants to live near the commercial area. That is why she is fighting to make sure that whatever is  
177 built above her property retains the property value. She explained that she feels like there is a great rush  
178 to get the LCR Zone finished.
- 179 • K Allen said that he didn't think it has been rushed. He feels that the council has listened. There will come  
180 a time when a decision has to be made one way or the other.
- 181 • D Yoast felt that it is not the obligation of Providence City to make sure the developer makes money. The  
182 developer makes a choice and takes a risk. There is nothing wrong with saying not here, not now. She  
183 asked what we will do when there is no land left, and there are still many people who want to come to  
184 Providence. We are not obligated to make sure that they can find a place to live here.

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186 **Item No. 3. Discussion:** In preparation for the 2020 Fiscal Year Budget, the Providence City Council will hold a  
187 workshop to discuss the budgets for the General Fund, Capital Project Fund, Water Fund, Sewer Fund, and Storm  
188 Water Fund.

- 189 • R Sneddon asked what page 6 line item 7275- \$210,000 refers to. It is the Cemetary Expansion.
- 190 • R Sneddon asked about page 6 line item 8026- banking and bank card fees. R Sneddon said that the  
191 amount has increased dramatically from previous years.
- 192 • Mayor Drew explained that this is the 3% fee from when people pay with their credit card. The city  
193 absorbs it. S Bankhead added that there are other fees that the banks charge us simply for having  
194 accounts, etc, that also go under 8026.
- 195 • S Bankhead explained that Beth Munson, the City Treasurer, keeps an eye on the fees to see if we can find  
196 any way to reduce them.
- 197 • Mayor Drew explained that he has had discussions with Nibley and Logan about sewer metering. We may  
198 be able to read the meter that Logan has already installed remotely, but we also may want to take our  
199 own reading. Sewer usage should vary based on the time of day. However, if there is infiltration there  
200 would be a part of the flow that is steady.
- 201 • Mayor Drew said that Twin D is in the process of installing sewer cameras in Providence. This year, they  
202 will focus on high groundwater areas.
- 203 • Mayor Drew said that we are considering hiring another employee in the water department, because we  
204 have two that are close to retirement.
- 205 • Mayor Drew said that Max Pierce, the city engineer, did the design for the Brookside (north side) of the  
206 city. It is high groundwater. At the time, he recommended a land drain, but it was not approved. It would  
207 have piped water out of the area. He suggested that we implement a land drain ordinance to require land  
208 drains under certain circumstances.

- 209 • R Sneddon summarized the discussion. We believe the Logan meter, and therefore we either have
- 210 infiltration or someone that is using a sump pump and feeding it into the sewer lines. We are producing
- 211 about 75% more effluent than we should be.
- 212 • Mayor Drew explained ways to check for sump pump usage. So far, we have not seen the evidence.
- 213 • B Fresz asked for clarification on the Waste Water Fund total balance. It looks like we don't have much set
- 214 aside for improvements to the system. We only have a little bit more than we need to replace the current
- 215 system.
- 216 • Mayor Drew asked about a rate study. S Bankhead said that an outside company completed a study 15
- 217 years ago. However, that doesn't mean that the O & M costs and replacement costs and rates haven't
- 218 been evaluated since then.
- 219 • R Sneddon asked if there is a database for what is in the ground, and what the database contains.
- 220 • Mayor Drew said that we do have an inventory, but we don't have an estimate of the remaining life of
- 221 every piece of inventory. A rate study would make that evaluation for us.
- 222 • B Fresz said that the only fund with extra money for projects based on operating income is the water
- 223 fund.
- 224 • Mayor Drew said that we need to do a rate study before doing projects, because the study might say that
- 225 we are underfunded in our reserves.
- 226 • B Fresz noted that as for reserves, the water fund has less than the total depreciation. We are behind.
- 227 • There was some confusion about whether the amount shown for depreciation was the total amount of
- 228 depreciation over the years, or whether it had been adjusted for repairs made.
- 229 • Mayor Drew explained that the budgets for repairing are different from the budgets for replacing.
- 230 Repairing is part of the normal operating expenses.
- 231 • Bill Johnson asked why our water rates are higher than other places.
- 232 • Mayor Drew said that our rates reflect our costs.
- 233 • B Fresz said that the water rates in Providence are some of the lowest in the state.
- 234 • S Bankhead explained that when comparing rates, it is important to compare how many gallons of water
- 235 are included in the base rate.
- 236 • B Fresz asked if we could get the current account balances for the funds. Mayor Drew said that he will get
- 237 them to B Fresz.

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 239 **Staff Reports:** Items presented by Providence City Staff will be presented as information only.

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 241 S. Bankhead, Administrative Services Director:

- 242 • Reported for R Stapley – We should consider doing spring cleaning differently this year by having chippers
- 243 at the sheds and requiring residents to bring their waste there.
- 244 • K Allen is against curb-side service.
- 245 • S Bankhead asked if any council member was in favor of curbside service. No council members were in
- 246 favor. The public works department will put together a compromise program.
- 247 • A resident suggested that we get our garbage service to do a special pick-up several times a year.
- 248 • The Utah League of Cities and Towns will meet April 24-27 in St George. D Giles has asked to go. S
- 249 Bankhead said that anyone else who wants to go should contact her in the next few days.
- 250 • Mayor Drew added that general election candidates for city council can go to the September League of
- 251 Cities and Towns meeting and be reimbursed by the city.
- 252 • The situation with the camera in the council room was discussed. The current camera does not work for
- 253 having both audio and video. An upgrade camera that would solve the problem would cost about \$1,900.
- 254 Also, a third-party service that would upload the videos to their server and allow residents to view them
- 255 through a link on the City website would cost \$750 per year.
- 256 • K Allen would like to have a guarantee from the installation company that the service will work.
- 257 • S Bankhead explained that the population RAPZ money has been requested. We would like to upgrade the
- 258 playground at Zollinger Park. We also told RAPZ that we will utilize it toward fencing. The fencing could be
- 259 used for a dog park.

- The main RAPZ applications are due by Friday March 1, 2019 at 5:00 pm. We are applying for the same items as last year: the balance of the softball lighting upgrade and additional pickleball courts.
- K Eck asked how much the upgrade at Zollinger Park would cost. She asked if we could do it this year.
- S Bankhead said that it will use about 2/3 of the population money. We are looking in the \$40,000-\$50,000 range. The goal is to spend it this fiscal year.
- K Eck said that if we got a rope playground, we might be the first in the county. She hopes that that option will be considered.

**Council Reports:** Items presented by the City Council members will be presented as informational only; no formal action will be taken. The City Council may act on an item, if it arose subsequent to the posting of this agenda and the City Council determines that an emergency exists.

- K Allen provided an update on the meeting with Cache County School District. K Allen informed the school district that we will not be selling the park. We would, however, work with them to expand their parking lot. They were not interested in that proposal. As to the gate to the baseball diamond, the city is willing to leave it unlocked most of the time. Sometimes, due to weather conditions that could result in damage to the field or due to the field being marked for a game, the gate will be locked. S Gunnell, recreation director, will email the principal of Providence Elementary School each time the gate is locked and inform her of the reason. The school principal will continue to have the key to the gate. As to the soccer goals, they will be placed on the playground area from the first day of school until the last day of school. We will move them off after that time. Providence City will be responsible for anchoring them. The soccer goals will not be used for soccer club teams. The city will also move the goals around periodically to give the grass time to regenerate. The cost of damages to the field will be shared between the school district and the city.
- D Giles asked how we will keep clubs from using a public park.
- Mayor Drew clarified that we will not designate that field for team or club use, but it is still open for use by the public.
- K Allen explained that the field is currently frozen so that it is not possible to anchor the goals that were bought by the PTA. Instead, the school is using light-weight PVC plastic practice goals. As soon as the ground thaws sufficiently, the city will put up the goals and anchor them.
- S Bankhead noted that the school district will be responsible for replacing the nets on the soccer goals.
- B Fresz is putting together a project scope for a maintenance agreement with Blacksmith Fork Water Company.
- Mayor Drew explained that Sherry Johnson moved from California to Providence a year ago. She has recently reached out to the city with a desire to volunteer for the city. She suggested a program where senior citizens get a call in the morning to make sure they are all right. Mayor Drew likes the idea, but does not want to make the deputies check on people. We could do it as a service with minimal cost to the city.
- Mayor Drew explained that a situation often arises where the city has to babysit the contractors. Our engineer and public works director spend a lot of unnecessary time dealing with the contractors at inspections, for example. The city should be dealing with the developer, not the contractor.
- Mayor Drew wrote up some guidelines that he would like city staff to review with the developer in the pre-construction meeting.
- K Allen liked what the Mayor had written.
- Mayor Drew would like to add the standards of conduct for public comment to the City Council bylaws. He will make a draft for review.

**Executive Session Notice:**

The Providence City Council may enter into a closed session to discuss pending or reasonably imminent litigation as allowed by Utah Code 52-4-205(1)(c).

The Providence City Council may enter into a closed session to discuss professional competence or other factors allowed by Utah Code 52-4-205(1)(a).

The Providence City Council may enter into a closed session to discuss land acquisition or the sale of real property

312 Utah Code 52-4-205(1) (d) and (e).  
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314 **Motion to enter an executive session**– K Eck, second – R Sneddon

315 **Vote:**  
316 **Yea:** B Fresz, K Allen, R Sneddon, K Eck, D Giles  
317 **Nay:** None  
318 **Abstained:** None  
319 **Excused:**

320 Entered approximately 8:50pm

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322 **Motion to close the executive session** – D Giles , second – K Eck

323 **Vote:**  
324 **Yea:** B Fresz, K Allen, R Sneddon, K Eck, D Giles  
325 **Nay:** None  
326 **Abstained:** None  
327 **Excused:**

328 Closed approximately 10:58pm

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330 **Motion to adjourn** – D Giles, second – K Eck

331 **Vote:**  
332 **Yea:** B Fresz, K Allen, R Sneddon, K Eck, D Giles  
333 **Nay:** None  
334 **Abstained:** None  
335 **Excused:**

336 Meeting adjourned approximately 11:00 PM  
337 Minutes prepared by Mindi Petersen & Jesse Bardsley

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342 **John Drew, Mayor**

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342 **Skarlet Bankhead, City Recorder**

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