

1 **PROVIDENCE CITY COUNCIL MEETING**  
2 **January 9, 2018 6:00 PM**  
3 **Providence City Office Building, 164 North Gateway Drive, Providence UT**  
4

5 Opening Ceremony:

6 Call to Order: Mayor Drew  
7 Roll Call of City Council Members: Mayor Drew  
8 Attendance: Kirk Allen, Jeff Baldwin, Kristina Eck, Dennis Giles, Roy Sneddon  
9 Pledge of Allegiance: Jonathan Dayton, BSA Troop 19  
10 Opening Remarks – Prayer: Rocky Taylor  
11

12 **Approval of the minutes**

13 **Item No. 1.** The Providence City Council will consider approval of the minutes of December 12, 2017.

14 **Motion to approve the minutes of December 12, 2017 – J Baldwin, second – R Sneddon**

15 **Vote:**

16 **Yea: K Allen, J Baldwin, K Eck, D Giles, R Sneddon**

17 **Nay: None**

18 **Abstained: None**

19 **Excused: None**

20 • **Corrections:**

- 21 ○ Page 2 line 30 Board of ~~Directors~~ Trustees
  - 22 ○ Page 3 line 11 may be cited for a vicious animal
  - 23 ○ Page 4 line 6 ~~digression~~ discretion
  - 24 ○ Page 4 line 34 and they will receive an automated response that is taken from
  - 25 ○ Page 5 line 24 ~~is~~ his exposure
  - 26 ○ Page 6 line 12 ~~would reduce traffic~~ development, traffic would be reduced
- 27

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

- 33 • Steve Jenson expressed concern about pedestrian safety on Canyon Road [100 East] going up to  
34 the South Bench. He would like a future agenda item to discuss making the area safe for children  
35 to walk. On Walk to School Day, children on the South Bench have to meet at Von Baer Park to  
36 start their walk, because it is not safe to walk down Canyon Road [100 East]. The problem is  
37 there is no shoulder for the children to walk on. He asked the Council to consider improving a  
38 walking path in the area. The City has three benches: North, South, and Middle. Both the North  
39 and Middle Benches have sidewalks; the South Bench does not.
- 40 • K Allen expressed concern about young people coming down Canyon Road on skateboards. J  
41 Baldwin suggested creating a barrier between the vehicles and pedestrians and skateboarders.
- 42 • Mayor Drew invited people to attend the town hall meeting the first Saturday in February. The  
43 topic will be streets. The City recently had USU students survey the condition of the City’s  
44 streets. Mayor Drew will review the report during the February 3 town hall meeting.

45 **Business Items:**

46 **Item No. 1. Discussion:** Shane Hansen and Sheyler Gunnell will discuss park and recreation facilities and  
47 programs.

48 Mayor Drew reported, during the past year, the number one question he heard was about City streets;

1 the number two question was about City parks. He explained K Eck offered to form a citizen advisory  
2 committee to consider parks.

- 3 • K Eck reported she was very happy with the response to her request for citizens to serve on a  
4 park committee. She wanted the committee to learn from S Hansen and S Gunnell about what  
5 the City has done, and what the City plans to do. She reported people are texting her some great  
6 information. She would like to start thinking outside the box; getting input from the citizens is  
7 very helpful. K Eck has ten citizens on the committee. She thanked the members of the  
8 committee for attending tonight's meeting.
- 9 • Sheyler Gunnell reported last year [2016] we installed the field lights on the pony field  
10 [southwest field at Zollinger Park]. During 2017, the City used RAPZ (Recreation, Art, Parks, and  
11 Zoos) money to improve the softball diamond at the Uptown Park. With the money received  
12 from advertising banners, the City improved the two of the three mounds at Zollinger Park, and  
13 intends to purchase additional dirt for the northwest baseball field.
- 14 • S Gunnell also reported the City is looking to add pickleball lessons/clinic to our summer  
15 program; students from Ridgeline High School will help with the lessons/clinic. In the fall of  
16 2017, the City added flag football to the recreation program. He received positive comments  
17 about the flag football program.
- 18 • S Gunnell and S Bankhead explained RAPZ. This is a tax collected by the County. The County  
19 awards grants from this money annually. This is a reimbursement program; the City spends the  
20 money and then the County reimburses the City. Applications are submitted to the County  
21 annually. The County reviews project applications in early spring. The projects should be  
22 projects that bring people into the City. The award must be spent on the project(s) listed on the  
23 application. By improving the softball field, having markers for two base path distances, and  
24 using a portable mound, the diamond can be used for both baseball and softball. In a sense,  
25 getting two fields by improving this one field. The County has been very good to award the City's  
26 projects, but it usually takes two or three years to get the full amount. Last year [Spring 2017]  
27 the City applied for \$270,000 to rebuild the softball field, repair and replace dugouts and  
28 fencing, repair and replace the concrete area, repair the maintenance/scorekeeper building, and  
29 repair and replace the field lights; we received \$130,000. We spent approximately \$81,000 on  
30 the field, dugouts, fencing, and concrete. We will work on the building this spring. The plan is to  
31 apply for the remaining \$140,000 in February to upgrade the field lights. The current lights work,  
32 but are very old, and should be updated. There is also an annual amount of RAPZ given to the  
33 City based on population.
- 34 • K Allen felt the industry had come a long way in lighting fields. He felt for safety reasons, the City  
35 should keep up with the lighting.
- 36 • K Eck would like to hear from Citizens for ideas from RAPZ.
  - 37 ○ Kevin Jensen asked who decides what the money goes for. S Bankhead explained the  
38 ideas for the projects come from citizen requests. Staff takes the requests to the Council  
39 for approval to explore the ideas. Previous projects generated by citizen requests  
40 include the trail in Providence Canyon, tennis court resurfacing, and the pickleball  
41 courts.
  - 42 ○ Steve Jenson asked about impact fees. Mayor Drew explained that the City prepares an  
43 impact fee facility plan (projects that will increase the capacity). The plan is the basis for  
44 an impact fee analysis. The fees are determined from the analysis. The City must use  
45 impact fees for the facilities they are collected for, i.e., park fees for parks, road fees for  
46 roads. The City cannot use road fees for parks and vice versa.
  - 47 ○ The idea is for the Committee to make suggestions for impact fee use and RAPZ use.
  - 48 ○ Annette Briscoe explained they have wanted pickleball courts for a long time. They  
49 called the City to request the courts. She reported some cities have painted pickleball

1 lines on their tennis courts, and Logan has plans for pickleball courts; but Providence's  
2 are the only designated courts. She asked if the City was planning to light the courts. She  
3 stated she was told people are parking so they can use their car lights to play.

- 4 ○ K Eck would like to see a dog park. She asked about basketball courts. S Hansen  
5 explained there is a cement pad for basketball at Meadowridge Park with a hoop on  
6 either end. Cattle Corral Park has a cement pad with a single hoop. Zollinger Park has a  
7 hoop in the inside circle.
- 8 ○ S Jenson suggested more fields designated and maintained for soccer, and consider  
9 lacrosse. He felt the City could draw tournaments and generate income. D Giles  
10 reported Terri Baker would like to use our fields for the Cache Cup in July.
- 11 ○ Closing the soccer fields for maintenance was discussed. S Gunnell and S Hansen  
12 reported that South Cache Soccer recommended closing the month of July. July is after  
13 teams have held tryouts and before they start practicing in August for fall league. D  
14 Giles felt closing the fields in small sections would allow most of the fields to remain  
15 open.
- 16 ● K Eck felt that some of the park improvements could come from fund raising and donations.
- 17 ● S Hansen explained that out of the five acres for the Spring Creek Soccer Fields, the City owns  
18 two acres. He did not think the City should spend large amounts of money on property it does  
19 not own. He is not opposed to trying to improve the fields, but felt the City should own the  
20 property before making major improvements. S Hansen explained the school district used to  
21 help with mowing, but their mowing schedule often conflicted with the City's needs. It evolved  
22 into the City doing the maintenance.
- 23 ● Mayor Drew explained the current Park Facilities Plan and Impact Fees Analysis was prepared  
24 eleven years ago. The City has not acquired any additional park property during that time. He  
25 reported Nibley has 135 acres for parks. This will be on future agendas.

26  
27 **Item No. 2. Resolution 001-2018 Authorization:** The Providence City Council will consider for adoption a  
28 resolution authorizing Skarlet Bankhead, City Recorder and Beth Munson, City Treasurer to execute the  
29 attached corporate banking resolutions adding John Drew, Mayor to the check signatures

30 **Motion to approve Resolution 001-2018 – K Allen, second – D Giles**

31 **Vote:**

32 **Yea: K Allen, J Baldwin, K Eck, D Giles, R Sneddon**

33 **Nay: None**

34 **Abstained: None**

35 **Excused: None**

36 Discussion prior to vote.

- 37 ● D Giles asked about adding a fourth person. He reported North Logan also authorizes a council  
38 member. S Bankhead will talk with the City Treasurer.

39 **Item No. 3. Resolution 002-2018 Development Agreement:** The Providence City Council will consider  
40 for adoption a resolution amending the Development and Public Improvement Installation Agreement  
41 (Development Agreement) for Providence Gateway Subdivision Phase A allowing credit be given toward  
42 the fee-in-lieu of water dedication for the installation of a secondary water system.

43 **Motion to approve Resolution 002-2018 – R Sneddon, second – K Eck**

44 **Vote:**

45 **Yea: K Allen, K Eck, D Giles, R Sneddon**

46 **Nay: J Baldwin** (J Baldwin agreed with using secondary water. He felt this should be a standard  
47 procedure required for all development, not just one development.)

48 **Abstained: None**

49 **Excused: None**

1 **Mayor Drew clarified the resolution that passed approved the changes suggested by Jennie Garner.**

2 Discussion prior to vote:

- 3 • K Eck disclosed that her husband works for the developer. J Drew reported K Eck's husband is  
4 the superintendent on the project.
- 5 • K Allen asked about other secondary systems in the City. J Baldwin stated he had not heard of  
6 any others.
- 7 • K Eck explained this developer is trying to be pro-active about using their secondary water.
- 8 • J Baldwin felt the City should change the city code to require development to install  
9 infrastructure for secondary water. Then when the time comes, the streets will not be damaged  
10 for the secondary water improvements.
- 11 • K Eck stated other cities require secondary water improvements.
- 12 • K Allen felt there needed to be more discussion about secondary water throughout the City. He  
13 did not feel we should move forward with just one development.
- 14 • J Baldwin agreed. He felt this was a means to avoid paying the fee [in lieu]. He wanted the  
15 ordinance changed.
- 16 • K Allen asked if the City was going to require all new development to install secondary systems.  
17 Mayor Drew explained installation is something to talk about in the future; but it is not for  
18 consideration tonight.
- 19 • K Allen expressed concern about setting a precedent with this first development. He felt more  
20 discussion was needed.
- 21 • S Bankhead explained the City is not requiring the developer to install a secondary system. The  
22 developer approached the City. This is not the first time the City has talked with a developer  
23 about secondary systems. However, this developer feels like it makes sense. They want smart  
24 growth, looking to the future, and to utilize the water shares held in Blacksmith Fork Irrigation  
25 Company. This developer is asking the City to consider a credit toward the fee-in-lieu, if they  
26 install a working secondary system. At this point, there has not been enough study to know how  
27 much, if any, credit should be given. This is to allow the developer to set the money for the fee-  
28 in-lieu aside in their construction loan while the secondary water option is explored.
- 29 • K Allen reminded the Council that there was a little bit of secondary water discussion with the  
30 development on 1000 South and 400 East. He wondered why this discussion was not held with  
31 them. S Bankhead explained the discussion was held, but the developer opted to pay the fee-in-  
32 lieu.
- 33 • K Allen felt the City should put the requirement on the developer. S Bankhead explained  
34 cooperation from the irrigation companies is necessary. It is not that the irrigation companies  
35 are uncooperative; it is that the options and impacts have not been thoroughly explored.
- 36 • C Woolley explained the City would need to have a secondary water system plan in place to  
37 require development to install systems. However, if a developer wants to install a secondary  
38 system, as in this case, the City can certainly work with the developer.
- 39 • S Bankhead explained the Hampshire developers put lines in for a secondary system. The system  
40 is working in the park, but the lines to the homes have not been charged. She explained the  
41 developer for the homes on Bessie Lane installed a private secondary system.
- 42 • K Eck felt developers would put the infrastructure in.
- 43 • K Allen reminded the Council about the obligation with the Highlands Subdivision.
- 44 • R Sneddon felt this was somewhat like "eating an elephant"; this is a start. He cautioned that  
45 there are some along the Wasatch Front that would like to acquire water from non-use. He felt  
46 this developer is doing the City a great favor by installing a system.
- 47 • D Giles wished secondary system installation had happened years ago. However, he said there is

1 another side; in Burley Idaho, the City inherited the secondary system and they have problems.  
2 That said he still felt a secondary system would be a good thing for the City.

- 3 • Mayor Drew reported Hyrum City has offered the City a tour of their secondary water system.
- 4 • Craig Winder, Ironwood Development, explained this is an attempt to “keep their foot in the  
5 door” while trying to see if a secondary system is feasible. They just want it in the development  
6 agreement that the City will consider credit toward the fee-in-lieu. Regarding Agenda Item No.  
7 5, he stated in respect to accepting shares rather than fee-in-lieu, were the City to consider a  
8 secondary system, it would allow the City to make an easier decision to accept water shares,  
9 because there would be a system to use the shares.
- 10 • J Baldwin felt the Council agreed that we should consider secondary water. However, he felt  
11 there needed to be a plan in place. He also felt there should be an analysis by Craig Smith as to  
12 how much credit should be given.
- 13 • S Bankhead explained this is not saying the City will give credit. This is saying, if you can install a  
14 secondary system, and if you do install a secondary system, the City will consider how much, if  
15 any, credit can be given. The answers to the questions will come as the feasibility of the system  
16 is explored. This does not lock the developer into building the system; nor does it lock the City  
17 into giving credit. It is providing time to find the answers.
- 18 • J Baldwin asked if the working on 1.5 was adequate. S Bankhead explained Jennie Garner, Smith  
19 Hartvigsen, provided the wording.
- 20 • C Woolley felt the considered the wording in 1.5 and felt it was adequate. He felt this was  
21 similar to a memorandum of understanding in that it shows intent, but does not lock anyone in  
22 to anything.
- 23 • L Fisher asked for a copy of the document. She also expressed concern about amending a  
24 development. K Allen explained this is an amendment to this developer’s agreement only.  
25 C Woolley explained the information on the website is substantially the same. L Fisher felt this  
26 represented a departure from the existing ordinance. She felt the ordinance should be amended  
27 before amending the agreement.
- 28 • S Bankhead explained the main difference in the wording added, “requiring the signature of the  
29 City for withdrawal”. S Bankhead explained this is standard practice in the City; we authorize the  
30 withdrawals in writing. J Garner felt it should be included in the development agreement. The  
31 other change is under 9.1 “a written document approved by the City and signed by all parties.”  
32

33 **Item No. 4. Discussion Building Use Policy:** The Providence City Council will discuss a Building Use Policy  
34 for the Providence City Office Building located at 164 North Gateway Drive.

- 35 • S Bankhead explained she took much of the policy from the Mendon Station policy. She also  
36 used Hyrum City’s policy. She reported there are two groups that have asked to use the building,  
37 Casey Snider (candidate for State Legislature Representative District 5) for a meet the candidate,  
38 and the Cruise-In committee. They would like to use the building in the near future, probably  
39 before we can get the policy in place. The Council felt they could use the building following the  
40 draft until the policy is in place.
- 41 • S Bankhead reviewed the proposed fee for use and deposit requirements. If using the  
42 audio/video equipment, a certificate of insurance will be required.
- 43 • The proposed policy includes the main floor areas: multi-purpose area, restrooms, break room.  
44 The Council room is not included. There will be audio/video equipment in the downstairs area. K  
45 Allen felt the council room should be considered. S Bankhead explained the court security  
46 encourages not using the facility. The concern is that someone may hide something during a  
47 rental event that could be detrimental. J Baldwin felt security cameras could be used.

- 1 • K Allen felt there were certain groups that could use the room. S Bankhead explained if the  
2 council room was used, the group size limit could be increased to 70.
- 3 • J Baldwin stated the fee was much lower than the commercial facilities. S Bankhead explained  
4 the City is not providing the services a commercial facility provides. For instance, staff is not  
5 here to monitor the event. J Baldwin felt staff should monitor the events. If staff is going to  
6 monitor the events, the fees will increase to cover the cost. J Baldwin did not feel the building  
7 should be used without staff present.
- 8 • K Allen felt the two parties should be allowed to use the building while the policy is being  
9 considered. A supervision fee would be part of the discussion.
- 10 • K Eck asked when the people wanted to use the facility. S Bankhead stated most people have  
11 asked about evening use. A business club has asked about using the facility for a business lunch.
- 12 • J Baldwin reported the university has had problems in the past with a group bringing in special  
13 lights and sound system that tripped the circuit breakers and overheated the electrical panels.  
14 He felt an employee must be on site for someone to use the building. He felt the employee  
15 should monitor the event to make sure things are working properly.
- 16 • K Eck felt we have a beautiful building that we can share. J Baldwin did not disagree, but felt  
17 there needed to be oversight.
- 18 • K Allen explained other cities do not have staff on hand.
- 19 • S Bankhead felt some people might be disappointed with the fee the City will have to charge for  
20 oversight. K Eck also felt we might need to incentivize employees to work after hours.
- 21 • Mayor Drew felt the agreement should name the responsible party. K Eck suggested increasing  
22 the deposit.
- 23 • Kathleen Sneddon asked if other cities charge the same fee for residents and non-residents. S  
24 Bankhead explained some cities did have a resident rate and a non- resident rate. She explained  
25 the Providence used to have to rates for parks. However, due to frequent abuse, the City  
26 decided to have one rate. K Sneddon explained one of the reasons she supported the purchase  
27 of this building was so people could have private events in the building.
- 28 • K Eck asked about food. S Bankhead explained most groups seem to want some type of food.
- 29 • K Eck asked why have two employees on-site. S Bankhead explained it was to prevent “he said –  
30 she said” type situations, just as a security precaution.
- 31 • J Drew suggested having the on-call employee check the building after the event to make sure it  
32 was locked up.
- 33 • K Allen felt like the idea was becoming too complicated. J Baldwin something as simple as a  
34 toilet over flowing would cost more than a \$500 deposit would cover. K Allen stated it [allowing  
35 outside parties to use the building] almost was not worth it.
- 36 • R Sneddon used an example of police directing a funeral procession; the responsible party pays  
37 for the police officers. He felt whatever the decision, the City should not finance private events.
- 38 • D Giles reported he has heard the problems that North Logan has had; and the problems  
39 Providence had in the past. It may be better not to allow use. He thought North Logan might  
40 have an agreement that allows the City to charge the responsible party’s credit card for damage.
- 41 • S Bankhead explained there are a couple of cities that do not charge for use if it is something  
42 that benefits the public.
- 43 • K Allen felt there were groups that would not cause concern.
- 44 • K Eck asked if having an employee on site would stop the damage. J Baldwin felt having an  
45 employee at the event would call out the damage as it happened rather than after the fact.
- 46 • Brent Fresz felt calling the on-call person for something like the toilet overflowing; and having  
47 an employee come by to make sure the building was locked would be enough. He felt the ability

1 to charge the credit card was a good idea.

- 2 • J Baldwin felt there needed to be oversight.
- 3 • D Giles suggested letting the two interested parties use the building as a trial and develop the
- 4 policy from that. Mayor Drew did not feel the staff should have to bring each request to the City
- 5 Council for approval.
- 6 • Laura Fisher felt federal law prevented discrimination of which groups could use the building.
- 7 Bob Bissland felt the city would become somewhat of a landlord. As a citizen, he would feel
- 8 much better about having City staff present when the building is in use.
- 9 • Mayor Drew suggested talking with the insurance company.
- 10 • K Eck felt business meetings were an acceptable use.
- 11 • The Council felt allowing building use should be considered. J Baldwin felt the building should
- 12 only be used during business hours. S Bankhead explained the two groups that want to use it,
- 13 want it after regular business hours. The council agreed to allow the two groups as a trial.
- 14

15 **Item No. 5. Discussion:** The Providence City Council will discuss the City's position of accepting a fee-in-  
16 lieu of dedication of water right or water shares associated with new development.

- 17 • S Bankhead explained when the staff came to the Council a year ago to establish a fee-in-lieu,
- 18 the water shares in question were in an area that was problematic. It was at the end of the line
- 19 and the irrigation company was not set up to give the City the support to use the water in a
- 20 manner that would give the City some comfort that the water would not flood basements. The
- 21 irrigation company was not in a position to assist the developer with a secondary system; and
- 22 the developer did not want to pay for improvements outside of their development.
- 23 • S Bankhead explained there are areas, like the area discussed earlier in the meeting, where it
- 24 may make sense to consider system improvements.
- 25 • S Bankhead explained the previous Council did not want the City to purchase water shares.
- 26 • S Bankhead asked the Council for their feelings regarding fee-in-lieu, water share, and water
- 27 right dedication. She felt the current city code would allow the City to consider all of the
- 28 options.
- 29 • R Stapley explained when the staff requested fee-in-lieu, they knew it was not going to be long
- 30 term. Staff knew there were areas that other options would make more sense. R Stapley felt the
- 31 City was very close to having the money, through fee-in-lieu to purchase the Highland water, if it
- 32 came to that. He felt working with the developers on secondary systems would benefit the City.
- 33 • K Eck did not think one size fits all. Mayor Drew suggested an ordinance that would give options.
- 34 • C Woolley felt the current ordinance, as written, allows for flexibility.
- 35 • S Bankhead explained the current code requires the Public Works Director, as the Culinary
- 36 Water Authority, has to write a justification for whichever option is used. She felt it was more of
- 37 a policy than an ordinance change.
- 38 • C Woolley felt at some point the City decided not to take water shares. The Staff wants to know
- 39 if that is still the desire of the Council. It is not a matter of ordinance, because the ordinance
- 40 allows for options; it is a matter of which option the Council wants.
- 41 • J Baldwin felt all options should be considered. He felt the Council could base future decisions
- 42 based on R Stapley's recommendation.
- 43 • R Sneddon felt the Council should look to the future. He felt taking rights, not shares, was the
- 44 best option, if rights are not available take the fee-in-lieu.
- 45 • B Fresz suggested taking the fee-in-lieu and then purchasing the right or shares. He felt taking
- 46 the fee-in-lieu was the most flexible.
- 47 • R Sneddon felt rights could be used in the culinary system or on the lawn. S Bankhead explained
- 48 the right, before the City will accept it, must be converted to municipal use. Then it can be used

1 for both culinary and irrigation.

- 2 • Laura Fisher asked if there is a legal limit to the amount of rights a City can own. Her  
3 understanding is that the City has two or three times the amount of rights the City can use; and  
4 that some of the rights are in non-use with the State. C Woolley explained water law is very  
5 complex. There is a forfeiture that can apply, if the rights are not used; but there is not a limit.
- 6 • K Allen asked about the future needs.
- 7 • R Stapley explained the City does have more rights that it currently needs. Looking at the 40-  
8 year plan, there are so many variables as to how the City will grow, we may not have excess  
9 right for the future.
- 10 • S Bankhead explained if the City acquired more rights, they would probably be used in a well. If  
11 the City acquires more water shares, the City may be able to take more water from the canyon  
12 spring. To use the water shares in the culinary system, the shares must be converted to  
13 municipal use.
- 14 • Mayor Drew clarified if the City acquires more Blacksmith Fork shares, the exchange agreement  
15 could be amended to allow the City to put more water into the Spring Creek Water Company  
16 System and then put that same amount of addition water from the spring into the culinary  
17 system.
- 18 • K Eck felt the current code allows for flexibility. She felt the City should work with developers to  
19 get the best option for the City. She felt utilizing all three options should be used.
- 20 • L Fisher asked if it was the City's intent to convert shares to rights. She also felt the City owned  
21 more shares that it could beneficially use. S Bankhead clarified the City did not ask the State  
22 Engineer to change the [Spring Creek Water Company] right. The City asked that a segment of  
23 shares (those owned by the City) be classified as municipal use. The City could have asked for a  
24 new right, but the City did not do that. Spring Creek Water Company still has all of its shares.  
25 The portion owned by the City have been classified so they can be used in the culinary system in  
26 April and October. By using the shares in the culinary system in April and October, the City is  
27 putting all of its shares to beneficial use; thus helping the Water Company show beneficial use.  
28 The goal was not to impact the irrigation season. The goal was to use the City shares in the  
29 culinary system at the time that it least affected irrigation users.
- 30 • Mayor Drew explained there is a draft agreement being considered to use shares, as long as the  
31 water exceeds a certain level, anytime during the irrigation system. S Bankhead explained the  
32 City could only use what is allocated for City use.
- 33 • K Allen asked why the City voted to only take a fee-in-lieu. Mayor Drew explained it was because  
34 of the shares in the Bullock Lateral may have been allowed to run on the Baker property and the  
35 developer had to mitigate the problem. If the City owned the shares, the City would have to  
36 mitigate the problem. K Allen felt the City did not need additional water. S Bankhead explained  
37 the money must be used to acquire rights. S Bankhead explained the money received for fee-in-  
38 lieu could be used toward the Highland's agreement. These municipal rights were put into non-  
39 use. The future point of diversion for these rights is the location at 300 E 200 N.
- 40 • Mayor Drew explained the agreement that Mayor Calderwood diligently worked on to allow the  
41 City to convert its Spring Creek Water Company shares to municipal use was crucial.
- 42 • Mayor Drew suggested the City utilize all options. The Culinary Water Authority makes the  
43 decision and the Council approves it through the development agreements.

44 **Item No. 6. Discussion:** Rob Stapley will discuss surface sealant treatment requirements for developers.  
45 Mayor Drew explained the background for the discussion.

- 46 • Mayor Drew explained that R Stapley has provided the Council with examples from other cities.  
47 He also explained in reviewing the street study, it is best to spend maintenance dollars on good  
48 streets rather than broken streets. This is an attempt to keep our good streets good. Requiring  
49 the developer to put a surface sealant on will extend the life of the street.

- 1 • R Stapley explained a large portion of the street budget goes toward preventative maintenance.
- 2 A large portion of the preventative maintenance is surface treatments on the new roads. He
- 3 reported he spoke with five other municipalities; two are not requiring sealant treatments,
- 4 three are. The three cities that have the requirement have only had it in place for a short time.
- 5 They feel they will need to make changes.
- 6 • R Stapley explained the financing would have to be considered. Should this be part of the
- 7 performance security, or warranty, or something independent. The City could also have the
- 8 developer pay the City a fee-in-lieu of performance. This way the City could schedule the
- 9 surfacing treatment when it is the best for the road, rather than being locked into a
- 10 development timeline.
- 11 • J Baldwin felt this would be a great idea.
- 12 • R Stapley reported some of the cities have had some push back from the developers.
- 13 • K Eck asked what the cost to the developer would be. R Stapley estimated one block would be
- 14 about \$5,000, depending on the asphalt width. K Eck expressed some concern the public does
- 15 not understand resurfacing new streets.
- 16 • Mayor Drew explained the L-Tap people say it costs ten times as much to repair old roads
- 17 compared to preventative maintenance on new roads. Preventative maintenance on new roads
- 18 is very cost effective. The City will have to make a conscious decision on which roads to let go.
- 19 Part of the reason for the discussion is how to better use our dollars on roads.
- 20 • S Bankhead explained this would be part of the land use code and will have to follow that
- 21 process for a code amendment. If the Council wants to move forward with this, staff work to
- 22 develop a code amendment; and will seek input from the auditor's to make sure the timeframes
- 23 for holding the money meet with the state guidelines.
- 24 • R Sneddon felt the City needed to demonstrate the City is concerned with other streets that
- 25 need repair as well.
- 26 • Push back from the development community was discussed. J Baldwin felt the developers would
- 27 pass the cost on to the homeowners, and it would provide the homeowners a much better road
- 28 product.
- 29 • The Council feel the staff should proceed.

30 **Item No. 7. Discussion:** Rob Stapley will discuss surveillance cameras for city office building and public  
 31 works facility.

- 32 • Mayor Drew explained R Stapley has money in his budget for a camera system. This is to inform
- 33 the Council of what the City is doing.
- 34 • R Stapley reported he has been getting quotes and estimates for a couple of years. The best
- 35 quote is from the same company that is currently working on the audio/video for the City office.
- 36 Cameras would be installed inside and outside the City Office, at the 100 North roundabout, and
- 37 at the Public Works Facility, including the green waste and recycling bins.
- 38 • This will allow City staff to remotely access live feed. They can look at weather conditions at the
- 39 roundabout, activity at the Public Works Facility, and the green waste and recycle bins. The City
- 40 could allow some public access to live feed. For example, people could see if the green waste
- 41 bins had room for their green waste. Smithfield is using this company for similar uses.
- 42 • R Stapley explained if this works well, he would like to add cameras in some of the parks.
- 43 • K Eck felt perhaps we should start somewhere, and then add to it. K Eck would like to see how
- 44 successful the City is for citing people for violations caught on camera before investing in many
- 45 City facilities. She requested the staff look into how people could be cited, so the camera means
- 46 something to people.
- 47 • S Bankhead retention of the footage will follow the State record retention schedule.

48 **Item No. 8. Training Presentation:** Providence City Attorney, Chad Woolley will conduct training on the  
 49 Open Meetings Act. (Added 01/08/2018)

- 1 • Mayor Drew explained City Attorney, Chad Woolley, would conduct training during the council  
2 meetings. This first training will be on open meetings.
- 3 • C Woolley reviewed the state statute Title 52 Chapter 4 Open and Public Meeting Act. He  
4 explained he would “hit the higher points” and go into more detail during the next training.
- 5 • Generally speaking, one of the most important issues of the act is that public bodies are to aid  
6 the public and their discussion should be open to the public. This body [city council] is a public  
7 body and definitely under the act. A committee, such as the park committee, that does not  
8 include three council members is not a public body. If the committee had three or more council  
9 members (three is a quorum), it is a public body.
- 10 • C Woolley felt the City was doing a good job with the noticing. He felt the agendas were well  
11 done.
- 12 • Going to a training is not a meeting. However, if the council gets together during the meeting  
13 and discusses policies or makes decisions, it is a public meeting. You cannot conduct city  
14 business as a body, without being in a public meeting. C Woolley advised refraining from  
15 conducting discussions of city business during training.
- 16 • C Woolley explained just because a meeting is public, does not mean the public can talk.
- 17 • There are no meetings that are required to be closed by the Statute. There are times an  
18 attorney will tell the council this is something that should be discussed in a closed meeting.  
19 There are some discussions that can be closed to the public: buying or selling real estate,  
20 collective bargaining, pending litigation or reasonably imminent litigation, security, competency  
21 of an individual. The Council must vote to go into a closed session. Pending litigation has been  
22 defined to mean it is in the courtroom, there is paperwork. Reasonably imminent means  
23 paperwork has started, or if the Council is considering entering litigation.
- 24 • Noticing requirements. The key is to give good notice; 24 hours prior is the minimum, unless it is  
25 an emergency. Items not on the agenda can be discussed; but no final action can be taken  
26 unless the item is on the agenda.
- 27 • Minutes requirements were discussed. C Woolley commended the Council on their thorough  
28 review of the minutes. The written minutes are the official record. The recording is required, but  
29 not the official record. Anyone can record a meeting as long as it does not disrupt the meeting.  
30 If the written minutes conflict with the recording, the written minutes are still considered the  
31 official record. A member can request that something be recorded in the minutes. C Woolley  
32 explained the minutes say what people said; it does not mean the statements are true.
- 33 • Electronic materials must be included on the website, but not in the actual minutes.
- 34 • Pending minutes must post within 30-days; approved minutes must post within 3-days of  
35 approval. C Woolley did not feel pending minutes needed to be posted, if the approved minutes  
36 were posted prior to the 30-day timeframe.
- 37 • C Woolley recommended not using personal email for city business. He recommended having a  
38 city email account for city business. If a personal account is used, and a record request is  
39 received, someone will have to go through the personal emails to find the city emails to fill the  
40 request. Do not discuss by email. Email discussions may be considered a meeting. Sending to an  
41 individual is different from sending to a group. He explained government is not set up to be  
42 expedient; it is set up for business to be open to the public.
- 43 • C Woolley recommended not using personal social media for city business. Comments  
44 considered as official statements. He recommended having a separate account for city business.  
45 C Woolley felt a group messaging [if the group has three or more council members] on Facebook  
46 might be considered a meeting.
- 47 • Mayor Drew reminded the Council to use their City email. He also asked the Council to get their  
48 information to S Bankhead for City business cards. S Bankhead explained she needed the  
49 preferred phone number and how they would like their

1  
2 **Staff Reports:** Items presented by Providence City Staff will be presented as information only.

- 3 • S Bankhead reported the invoice list for December and the preliminary draft of the general plan  
4 are attached to her report. She asked that the Council get comments on the general plan draft  
5 to her as quickly as possible, so they can be passed on to the Planning Commission and the  
6 consultant.
- 7 • R Stapley: no additional items to report.

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

- 11 • K Eck asked the council for support on the RAPZ tax. Mayor Drew felt the budget process was  
12 designed to allow the council to scrutinize the future decisions to be made, whether it is grant  
13 money, RAPZ, or other money. K Eck stated she loves baseball, but felt money should go  
14 everywhere in the City, not just the baseball program. People are complaining about it.
- 15 • J Baldwin asked about maintenance of the banks of Spring Creek. He expressed concern that  
16 there was potential for flooding that would affect homes. He asked if homeowners could dredge  
17 the streambed. S Bankhead explained Spring Creek is considered waters of the State; and would  
18 require permission from the State [Army Corp]. D Giles explained a permit from the Army Corp  
19 is necessary. Providence City cannot give approval to repair the ditch. R Stapley explained as  
20 long as the work is not in the actual stream, people can shore-up a berm on their private  
21 property.
- 22 • K Allen reported he moved the trailer in his cul-de-sac. K Allen felt we lost a great friend  
23 (particularly with irrigation) with the death of Jim Williamson.
- 24 • Mayor Drew reported the City is looking at automated time keeping. D Giles and the Mayor will  
25 look at streets for CBDG grant application. He encouraged signup in the Providence Pipeline,  
26 community alert system. Rather than giving assignments to each council member, he asked each  
27 council member to come up with ideas to help. Mayor Drew reported the Harassment /  
28 Workplace Violence training will be Thursday, January 18, 3:00 – 5:00 pm

29 **Executive Session Notice:**

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

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

34 The Providence City Council may enter into a closed session to discuss land acquisition or the sale of real  
35 property Utah Code 52-4-205(1) (d) and (e).

- 36 • None held.

37 **Motion to adjourn – D Giles, second – K Allen**

38 **Yea: K Allen, J Baldwin, K Eck, D Giles, R Sneddon**

39 **Nay: None**

40 **Abstained: None**

41 **Excused: None**

42 Adjourned 10:12 p.m.

43 Minutes prepared by S Bankhead.

44 **APPROVED ON JANUARY 23, 2018**

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48 \_\_\_\_\_  
John Drew, Mayor

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Skarlet Bankhead, City Recorder