

1 **PROVIIDENCE CITY COUNCIL MEETING MINUTES**

2 Providence City Office Building, 164 North Gateway Drive, Providence UT 84332

3 June 27, 2017 6:00 p.m.

6 **Call to Order:** Mayor Calderwood

7 **Attendance:** Kirk Allen, Dennis Giles, John Drew, Roy Sneddon, Jeff Baldwin

8 **Absent:** None

9 **Excused:**

11 Meeting began at 6:00 pm

13 Mayor Calderwood led in the Pledge of Allegiance.

14 Opening prayer was offered by Marge Townsend.

16 **Approval of the Minutes:**

17 **Item No. 1.** The Providence City Council will consider for approval the minutes of June 13, 2017

18 **Motion to approve minutes of June 13, 2017 City Council Meeting – J Drew, seconded by J Baldwin**

20 **Vote:**

21 **Yea:** K Allen, J Baldwin, J Drew, D Giles, R Sneddon

22 **Nay:** None

23 **Excused:** None

25 **Revisions**

26 Page 1 Line 41: Change “half hazard” to “haphazard”

27 Page 2 Line 36: Add a sentence naming “push system” as the kind of alert J Drew was discussing

28 Page 2 Line 13: Strike sentence.

29 Page 2 Line 42: Add “development” between economic and plan

30 Page 3 Line 11: Change “sewer” to “sewage”

31 Page 4 Line 49: Add Mike Peterson’s name as the lieutenant from the Cache County Sheriff’s Department

32 Page 5: J Drew asked a procedural question, does the Mayor Pro Tem vote when the actual mayor is gone?

33 Mayor Calderwood, responded that the Mayor Pro Tem does vote. K Allen’s name needs to be added when a vote
34 was taken.

35 K Allen clarified that he voted with the majority each time a vote was taken.

36 Page 6 Line 6: Clarifies that when repairs are made, they are done by the city.

37 Page 6 Line 18: Add a comma after burdened

38 Page 6 Line 22: Change “emphasis” to “emphasized”

39 Page 7 Line 49: Add R Sneddon to votes for Yea

40 Page 7 Line 8: Change “more” to “less”

41 Page 8 Line 16: Change “city” to “municipal”

42 Page 8 Line 20: Change “attorney’s” to “attorneys” and add “s” to trade

43 Page 8 Line 20: Capitalize Cache County

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

50 **Richard Eames** – He has observed overloaded trucks coming down the hill, turning the corner and putting on their
51 brakes near the Campbell’s (the intersection of 100 E and 400 S). Because of his experience driving truck, if you
52 can stand and see the top of the load in the trailer, the truck is overloaded. When he drove truck he had two tag
53 axles. He has observed trucks with flattened out loads and no tag axles coming down the hill. When these trucks
54 start putting on their brakes in hot weather, they start pushing asphalt. This is a good way to ruin a good road.
55 D Giles asked if Mr. Eames knows whose trucks they are?

1 Mr. Eames responded that he has seen a yellow cab with a black box truck and Dan Hogan's truck, not using tag
2 axles at all. He would like to see trucks almost forced to go down 1st East all the way because it's a gradual
3 downhill. He has seen roads get rolls in them because of trucks doing what he described earlier.
4 Mayor Calderwood asked S Bankhead if the Sheriff's Department can check into that.
5 K Allen stated that these trucks may not be breaking the law.
6 Mayor Calderwood stated that if they're overloaded they are.
7 Mr. Eames asked if R Stapley could talk to developers, that use these trucks, if they can go down 100 East.
8 S Bankhead stated that if they go down 100 East that puts them going past the elementary school, although school
9 is out right now, she can see why when school is in session that the truck drivers would avoid that area.
10 K Allen discussed the possibility of talking to developers and the truck drivers to come up with a way to get the
11 truck drivers to start braking sooner and to go slower.
12 Mayor Calderwood stated again that the City will have the Sheriff's department look into this problem. He stated
13 that he knows the Sheriff's Department has access to scales to weigh trucks. He asked Mr. Eames if he really
14 believes the trucks are overloaded.
15 Mr. Eames stated that he does believe the trucks are overloaded. From his experience he has no doubt that the
16 trucks are overloaded.
17 J Baldwin asked about talking to the companies to fix the problem before talking to the Sheriff's Department.
18

19 **Public Comments are closed.**

20
21 **Public Hearing – 2017 Final Budget Adjustments:** Prior to making the final adjustments to the 2017 Budgets for all
22 Funds (General, Capital Project, Water, Sewer, and Storm Water), the City Council is holding a public hearing. The
23 purpose of the public hearing is to provide an opportunity for anyone interested to comment on the adjustments
24 before action is taken. The City Council invites you to attend the hearing in order to offer your comments.
25

26 **Motion made to open public hearing, made by K Allen, seconded by J Drew.**

27
28 S Bankhead provided a review of the final budget adjustments. The adjustments are based on actual revenue and
29 estimated year end expenses. The way the accounting for a city government like Providence has is that revenue is
30 recorded in the calendar year they are received, but the expenses are recorded when the goods or services were
31 received or provided, not when the invoice is received. During this budget period of 2017 it was anticipated that
32 \$1,507,000 was used from prior year money, \$795,000 of that money will be transferred to the capital projects
33 fund. The money was set aside for the purchase of new city vehicles and equipment and the gateway drive project.
34 She explained how prior year money shows in the budget. The total budget revenue for fiscal year 2017 is
35 \$5,041,500. The expense total for fiscal year 2017 is \$5,041,500.

36 S Bankhead provided a summary of each funds budget.

37 J Baldwin asked why the miscellaneous amount under the Intergovernmental revenue category is so high when
38 compared to years past.

39 S Bankhead replied that it is so high because that is where the COG money that was awarded will be used. That
40 category is anticipating being awarded approximately \$900,000. S Bankhead also called attention to the \$1.5
41 million that is proposed to be moved to the capital project fund in anticipation of road projects needing to be
42 done.

43 J Baldwin asked whether or not employee wages are included in the administrative expense total.

44 S Bankhead replied that some employee wages and benefits are included in that total but it is not a significant
45 portion that is included. The largest line item included in the administrative total is actually sanitation (garbage
46 pickup), which is approximately half of the total administrative expense budget.

47 Marge Townsend asked if with the city making a large transfer to the capital project fund and purchasing the new
48 building, is the city solvent or will she see an increase in taxes?

49 S Bankhead explained the mill levy system and how the percentage of taxes each household pays is determined.
50 Providence City is not increasing the percentage each household will pay, but because of property values she will
51 probably pay more in taxes this year than she did last year.
52

53 **Motion to close the public hearing, made by J Baldwin, seconded by K Allen.**

54
55 **Business Items:**

1 **Item No. 1. Resolution 027-2017 2017 Final Budget Adjustments.** The Providence City Council will consider for
2 adoption a resolution adopting the final adjustments to the Budgets for all funds for Fiscal Year 2017.

3
4 **Motion to adopt Resolution 027-2017 Final Budget Adjustments for Fiscal Year 2017 made by K Allen, seconded
5 by J Drew.**

6
7 J Baldwin proposed increasing the Planning Commission member compensation by 5%. He felt that if the Mayor
8 and City Council are getting a 5% increase that the Planning Commission should too.

9 S Bankhead responded that they could make that change in the 2018 budget. The proposed budget adjustments
10 are for 2017. The 2018 budget needs to be adjusted for some RAPZ money the City has been awarded since the
11 2018 budget was approved, so the Council can look at making a change to the Planning Commission compensation
12 at the same time as that other budget adjustment.

13
14 **Vote**

15 **Yea:** K Allen, J Baldwin, J Drew, D Giles, R Sneddon

16 **Nay:** None

17 **Excused:** None

18
19 **Item No. 2. Resolution 028-2017 Planning Commission Appointment:** The Providence City Council will consider for
20 adoption a resolution appointing Robert James to a second term on the Planning Commission.

21
22 **Motion to approve Robert James to a second term on the Planning Commission made by J Drew, seconded by D
23 Giles.**

24
25 Robert James was invited forward to say a few words. He thanked the Council for approving him for a second term
26 on the Planning Commission. He expressed his desire to move forward with the General Plan for Providence City
27 and hopes to see it finished in the coming future.

28 The Council thanked Robert for his work on the Planning Commission.

29
30 **Vote**

31 **Yea:** K Allen, J Baldwin, J Drew, D Giles, R Sneddon

32 **Nay:** None

33 **Excused:** None

34
35 **Item No. 3. Resolution 029-2017 Planning Commission Appointment:** The Providence City Council will consider for
36 adoption a resolution appointing two alternate members to the Planning Commission.

37
38 Mayor Calderwood apologized for a breakdown in communication and in his absence Gary Sonntag was
39 interviewed by S Bankhead and K Allen. Mayor Calderwood invited Gary forward.

40 K Allen asked Gary to introduce himself and discuss any experience he has pertaining to the Planning Commission.

41 Gary stated that for most of his career he worked for the City of Price, Utah. He started as the City Engineer and
42 then was asked to be the Public Works Director and for a long time did both jobs of Public Works Director and City
43 Engineer. He was able to budget to hire a City Engineer and finished his career as just the Public Works Director.
44 He moved to Providence with his wife to be closer to their children. He has some concerns about things going on in
45 the City and wants to give back to the City he lives in now.

46 Mayor Calderwood inquired about the size and population of Price.

47 Gary responded that the population of Price is approximately 8700, including the surrounding county it increases
48 to 22,000. Price City covers approximately 6 square miles and about 46 miles of road to maintain. He also oversaw
49 a water treatment plant.

50 J Baldwin asked if Gary is a state licensed engineer.

51 Gary responded that he is a professional engineer.

52
53 **Motion to approve Gary Sonntag as the only alternate member of the Planning Commission made tonight by J
54 Baldwin, seconded by K Allen.**

55
56 **Vote**

1 **Yea:** K Allen, J Baldwin, J Drew, D Giles, R Sneddon
2 **Nay:** None
3 **Excused:** None
4

5 **Item No. 4. Discussion:** The Providence City Council will discuss the process to select a city attorney to replace
6 Craig Call.

7
8 Mayor Calderwood asked for input from the Council of how they want to proceed when seeking a new city
9 attorney.

10 J Drew discussed the difficulty with quantifying candidates for the position. The only quantifiable way to separate
11 the candidates is by their hourly rate. He stated that he believes there is one person that stands out from the
12 others. Herm Olsen has more experience when it comes to municipal law, than the other candidates do. J Drew
13 appreciated that Herm has a different way of thinking than he does. J Drew also recognized that the firm from
14 Sandy has more municipal law experience than the other firms, he also noticed that the firm does a lot of criminal
15 prosecuting for the other cities they work with.

16 K Allen clarified that the Council will be deciding on one law firm not just one individual. He also asked if it would
17 be possible for the Council to sit down together and discuss each law firm in detail to decide whether or not the
18 firm is a good fit for the City.

19 S Bankhead asked when the Council would like to do that, would it be before or after interviewing the candidates?

20 J Baldwin asked J Drew about his suggestion of making a matrix to rate each law firm.

21 J Drew responded that it is difficult to quantify desired traits, other than cost per hour each law firm would charge.

22 K Allen believed that it would be possible to rate the amount of experience each law firm has in certain types of
23 law.

24 R Sneddon replied that he also believes it would be possible to put together a matrix that would show which law
25 firms have the experience the City desires.

26 J Baldwin asked if it would be possible to see if Craig Call could direct the Council to the kinds of questions they
27 should be asking possible candidates.

28 J Drew reviewed the list of attorneys that are currently working for the city. The City Prosecutor is Kevin Fife, the
29 land use attorney has primarily been Craig Call, the water attorney has been Craig Smith. He pointed out that most
30 of the law suits the city is experiencing are land use related.

31 Members of the Council inquired about interviewing the candidates.

32 S Bankhead responded that in the past, such as when the City hired the City Engineer, that a committee was
33 formed to interview the candidates. If the Council wants to interview the candidates, that will need to take place in
34 a City Council Meeting with all Council members present.

35 K Allen asked about the logistics of interviewing a law firm. Would all the attorneys at the law firm come to be
36 interviewed or would only a few come?

37 Mayor Calderwood thought that only one representative would be sent from each law firm.

38 S Bankhead responded that in the past the law firms have sent a principal attorney and who would most likely be
39 assigned to the city, some firms brought a third person, but that would be up to each law firm to decide who
40 would come to the interview.

41 J Baldwin responded that he would recommend proceeding like we did when hiring the city engineer. The
42 committee would interview candidates and then bring a recommendation to the Council of who should fill the
43 position. He felt this process has worked well in the past.

44

45 **Item No. 5. Order of the Providence City Council:** The Providence City Council will consider for adoption an Order
46 restricting the use of fireworks in the Wildland Urban Interface Area, any mountainous, bush-covered, or forested
47 areas not included in the Wildland Urban Interface Area, and any undeveloped wildland or land being used for
48 agricultural purposes. (agenda amended 06/26/2017)

49

50 **Motion to consider for adoption an order restricting the use of fireworks made by K Allen, seconded by R**
51 **Sneddon.**

52

53 S Bankhead informed the Council that Logan City has not done any restricting of fireworks yet, they typically wait
54 until after the 4th of July to restrict fireworks. In executive staff it was discussed that getting the word out about
55 restricting fireworks earlier rather than later could help prevent frustration later on. She directed the Council to
56 the proposed order, under item #3 the Council can fill in the blank of when they want to start firework restrictions,

1 they don't have to start it right away, they can wait until after the 4th of July if they desire. The proposed
2 restrictions map is the same from the last 4 years. Last year there were two small fires in the Grandview area, the
3 neighbors were very quick to respond, but that was part of the reason firework restrictions were set in place for
4 the 24th of July last year.

5 K Allen asked why the City wouldn't start restricting fireworks on July 1st?

6 J Baldwin asked S Bankhead for clarification on the map included with the Order.

7 S Bankhead responded that outside of the red border is where fireworks will be restricted, inside the red border is
8 where fireworks will still be allowed, unless the land is mountainous, bush-covered, forested or being used for
9 agricultural purposes. She stated that she will put a legend on the map explaining where fireworks will be allowed
10 and where they will be restricted.

11 Mayor Calderwood asked if the Council wants to enact the Order to restrict fireworks, and if they do, what day do
12 they want to begin the restrictions on?

13 J Baldwin doesn't like the way it is laid out, he felt like the red border should go around developments, because
14 there isn't a lot of dry space until you get out of the developments.

15 R Sneddon recommends starting the restrictions on the 1st of July. He stated that he spends a lot of time outside of
16 the red area.

17 K Allen brought up the likelihood of someone shooting off aerials, those sparks can fly from one end of the street
18 to the other end of the street really quickly so he would rather restrict fireworks.

19 J Baldwin expressed that he feels like the City should let people have their fireworks for the 4th of July, then set the
20 date after the 4th of July to start the firework restrictions.

21 J Drew discussed liability if something did happen to someone or a structure because of fireworks.

22 S Bankhead brought up the fact that not everyone loves fireworks, some people get upset if shrapnel from the
23 fireworks get on their property. She also brought up that when this was discussed in executive staff that their idea
24 was to get the word out there about possible restrictions.

25 Mayor Calderwood asked the Council members their thoughts about restricting fireworks. J Baldwin doesn't want
26 to restrict fireworks, R Sneddon does want to restrict fireworks, J Drew wanted to restrict fireworks, and D Giles is
27 in favor of restricting fireworks but he also wants to look at the map and make some revisions to the borders. K
28 Allen was in favor of the restrictions going all month long.

29
30 **A motion was made to adopt an order to restrict fireworks starting July 1, 2017 through July 31, 2017 made by K**
31 **Allen, second by R Sneddon.**

32
33 **Vote**

34 **Yea: K Allen, R Sneddon, J Drew**

35 **Nay: D Giles, J Baldwin**

36
37 **Staff Reports:** Items presented by Providence City Staff will be presented as information only.

38
39 **R Stapley**

40 -Gateway Drive Extension Project is well underway. Cameron Excavation is almost complete with their portion of
41 the project, which is the water, sewer and storm drain. All that is left is testing the water main. C-900 piping was
42 able to be put in. Some corrosion was seen on surrounding pipes, but they made sure to have C-900 pipe go all the
43 way through the roundabout. The sub-grade of the road should be started next week.

44 -100 North and Main ADA Intersection – Storm Drains are completed and curb and gutter got poured that day. They
45 plan to do the sidewalks on Wednesday and they plan on asphaltting the road on the 8th of July.

46 -Crack Sealing and HA5 – Should start crack sealing again in a few days. He inquired about the product that was
47 used last time and the stickiness of it. He was told that they were trying a new product and he inquired about the
48 longevity and durability of it. Because of the problems last month they will be using the same product they used
49 last year. The company did treat the citizens well when it came to fixing tires and other problems caused by their
50 product. The HA5 will be going in the southwest part of the city, last year they did HA5 on the north bench.

51 -Little Baldy Subdivision is coming along, the sewer is complete and the water is almost complete, they started the
52 storm drain up again.

53 -Skarlet, Rob and Max had a meeting with Chad Checketts concerning location possibilities for the zone 2 reservoir.
54 Chad was going to speak to his siblings and get back to the City. Rob felt like that was a very positive meeting.

55 -Jeanene who reads the water meters is moving, so R Stapley would like to begin purchasing more water meters
56 that are tied into the radio system. If the entire city was on a radio system it would be a one man job, one day a

1 month to read all the meters in the city. It currently takes 3 people 3-4 days to read all the water meters in the city.
2 It would be more time and cost efficient to put in the radio meters.
3 -Sewer camera didn't find any large infiltrations they thought they were going to find. The guy he had trained from
4 the temp agency to use the camera is having surgery next week so he is done. Danny Wisser has continued to
5 image, he's been so busy with that, that a lot of water leaks have been neglected. They have also been working on
6 asphaltting but the street department isn't large enough to really do a lot of the asphaltting that they'd like to. So
7 projects are accumulating.
8 -The pickleball court is finished and looks great!
9 R Sneddon asked about calibrating the sewer meters
10 R Stapley said that he talked to Mark with Logan City who calibrates the meters. He said the meters weren't too far
11 off. Mark wanted to talk about the high flow rate and surges going through the system. R Stapley has been trying
12 to find a reason for those surges but hasn't had any luck.

13

14 **S Bankhead**

15 -Handed out the Financial Statements for May
16 -She hasn't gotten the official letter yet, but she knows that the County awarded the City a good amount of money
17 to refurbish the softball diamond by the elementary school. The plan is to redo the diamond, the dug outs, redo
18 the fencing and lighting. A \$130,000 was awarded, and the project can be done in phases if needed.
19 -The pickleball courts are finished and people have been enjoying and using them since the day they were finished.
20 -Started working on the city celebration in October.
21 -Looking for volunteers to work at the community booth at the fair.
22 -Kelly Stack is a new employee working for the recreation department
23 -There are several developments that are inquiring about coming to Providence and having property annexed. S
24 Bankhead is asking the Council if they would be willing to have a joint meeting with the Planning Commission to
25 discuss annexing property that was never historically planned to come to Providence.
26 -J Drew brought up the need to look at impact fees and brought up a discussion with Craig Call from the City
27 Council Meeting about the possibility of having different impact fees for different areas of the city.
28 -Mayor Calderwood polled the council about having a discussion at the next city council meeting concerning
29 impact fees. All members of the council responded affirmatively.
30 -J Baldwin, K Allen, D Giles would encourage a joint meeting. R Sneddon feels differently he would like to see a
31 visual boundary to divide Providence from Millville.
32 -J Baldwin had a discussion with Danny MacFarlane after the last planning meeting, concerning cities in Cache
33 Valley that have a criteria for control (kind of like CCR's but for the city) when developers come in and want to put
34 80 units on a property. These cities have criteria that state what materials have to be used, what the finish is like,
35 building height restrictions, landscaping etc. He felt like having this type of ordinance would help people feel better
36 about using the Mixed Use zone because the ordinance would mitigate some concerns and gives the city more
37 control when a developer requests mixed use zoning.

38

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

42

43 **J Drew**

44 - When is the county sales tax issue going to be on the agenda?

45

46 **D Giles**

47 - He had someone call him the other night and was concerned about older kids getting on the Pony field and
48 hitting balls into his cars and house. He stated that the man he talked to has video of the kids at the field at 11pm
49 and the lights are still on, on the field.
50 S Bankhead said that the lights should be turned off at 10pm or shortly after. She will do some investigating into
51 that problem.

52

53 **Mayor Calderwood**

54 -Hasn't heard from Aqua Engineering.
55 -Logan City has an agreement they want all cities to sign concerning waste water treatment.

56

1 **Motion to enter into Executive Session made by J Drew, seconded by J Baldwin.**

2

3 **Vote**

4 **Yea: K Allen, J Baldwin, J Drew, D Giles, R Sneddon**

5 **Nay: None**

6

7 **Executive Session Notice:**

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

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

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

14

15 Minutes prepared by K Soelberg.

16

17 **Approved July 18, 2017**