

1 **PROVIDENCE CITY COUNCIL MEETING**

2 **Providence City Office Building**

3 **15 South Main**

4 **Providence UT**

5 **June 28, 2016 6:00 PM**

6
7 Call to Order: Mayor Calderwood

8 Roll Call of City Council Members: Mayor Calderwood

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

10 Pledge of Allegiance:

11
12 **Approval of the minutes**

13 **Item No. 1.** The Providence City Council will consider approval of the minutes of June 7, 2016 City Council meeting.

14 **approve the minutes of June 7, 2016 – J Baldwin Motion to**

15 **Second: R Sneddon**

16 **Corrections:**

- 17
18
 - Page 2, line 25 used the same engineering firm,
 - Page 3 line 14 question mark on second sentence
 - Page 3 line 33 replace "J Knighton" with "J Baldwin"
 - Page 3 lines 38 faced with the potential for additional upgrades or repairs as the job progresses; which would need to be covered under a change order.
 - Page 3 line 43 G Knighton is one of the best engineers
 - Page 4, line 2 replace "S Eames" with "Sharell Eames"
 - Page 5, line 16, remove "r"

25
26 **Vote:**

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

28 **Nay: None**

29 **Excused: None**

30 **Abstained: None**

31
32 **Excused: None**

33 **Item No. 2.** The Providence City Council will consider approval of the minutes of June 14, 2016 City Council meeting.

- 34
35
 - The June 14, 2016 minutes were not ready for consideration.

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

- 37
38
39
40
 - R Smith made a comment about the things going on in Providence and what we can do about it. He wants to keep our town unnoticed especially the letters to the editor. What is going on in Providence, everybody asks us what is happening in that town? We need to get back to our peaceful existence.
 - Dale Astle resident of Providence for 68 years, made comments from an individual that has been an attorney for many years, just because you can doesn't mean you should. Just because you comply legally it doesn't mean it's the right thing to do.
 - Linda Geotze addressed her comments towards the multifamily high being considered across the street from her home. She would also like our small town back. We need to get along as neighbors, be respectful.
 - Bill Bertolio explained father-in-law left property in question to his daughter; he gave Bill some advice about always buying the property in front of you so no one can block your view.
B Bertolio felt that he was not given an opportunity to discuss his property and the building on it at the planning commission meeting, and he would like an opportunity to talk to the Council.
 - Morris Poole referred to the park facility plan adopted on Jan 8, 2008. We need a plan for more park

1 space. According to his calculations we should have 70 acres of park space. He feels we need to slow
2 down and make a plan to include parks. There have been 115 new homes this year. There are over
3 1000 children/youth on the south bench and the closest park is 2 miles away.

- 4 • Andrea Diamond read the purpose of the city ordinances. She felt we have time on our side and the
5 power to formulate the kind of plan we want to go forth with. Developers know the law, when all else
6 fails they use the city people and get them on their side. We need to preserve the spirit of the
7 community.
- 8 • Kathleen Alder would like to see the general plan and what it covers. She feels the citizens should be
9 able to follow the plan concerning selling of the building and being informed about meetings and when
10 they are held.
- 11 • S Bankhead the information is in the agenda packets.
- 12 • J Baldwin explained we have had workshops; that is our avenue to get to the people. If you choose not
13 to come then you are not getting the information; the door is always open for people to come. If you
14 choose not to come, that is your choice. We would love more people to come to our meetings.
- 15 • Brian Olsen addressed the rezone on 100 east. He felt a spot change could make a major change in
16 Providence. The people like it the way it is. People know what they are buying when they go into a
17 neighborhood.
- 18 • Steve Jensen would like to echo what M Poole said about the land for the parks. We need to work with
19 the developer so there is some park space for children. Approve what has been recommended, we
20 want SFL building.

21
22 **Public Hearing(s):**

23 **Item No. 1. 6:15 p.m. Disposal of a significant parcel of real property:** The Providence City Council holding a
24 public hearing to consider the proposed disposal of a "significant parcel of real property" located at 164 North
25 Gateway Drive, Providence UT.

26 **Motion: to open public hearing: J Baldwin**

27 **Second: J Drew**

- 28 • Linda Geotze indicated that the current building is too small. What is most cost effective? If you sell this
29 building you will have expenses of doing that, new construction costs more per square foot. The new
30 building was a good deal. We need more seating for our meetings; I am in favor of keeping the new
31 building.
- 32 • Steve Jensen feels there is a lot of discussion on the new building. The Council needs to open it for the
33 entire community to have their input; that way you have the community vote.
- 34 • Bob Bissland felt the new building location is good, purchase price was a bargain, and remains so,
35 materials are superior and up to date; the security sections can be locked for safety; has sufficient parking
36 stalls, helps to develop civic pride, it the space to accommodate growth, privacy for citizens to discuss
37 bills, and more privacy for cemetery discussion.
- 38 • Bill Bertolio asked if anybody considered remodeling this building.
- 39 • Dave Smith stated I know most of you and appreciate what you all have done. Rob Stapley is a good man;
40 he is looking to repair sidewalks that people are tripping over. I don't feel that four people working in this
41 building requires a new building, a remodel can be done to this building. Purchase the building next to
42 this one for less money and remodel it. Put the new building on the market and sell it.
- 43 • Monte Jones reported when she was on the planning and zoning committee, we had to look at city plat
44 maps and there was nowhere to put them. The government has made all sorts of requirements of us as
45 far as keeping documents and storing them. I was excited to hear that the city purchased a new building.
46 You will regret the decision to not go forward with the new the building. Modify city plan, have a public
47 hearing and let's move on.
- 48 • Sandra Checketts felt we could have gone to an empty building across the street for this meeting. She felt
49 coming here was to show how crowded this meeting room is. Is the chamber room in the new building
50 upstairs? It does have an elevator. She felt the problem was how we acquired the building; we needed a
51 better opinion from the citizens. We need to see something readable about the plan that was followed.
- 52 • Chad Checketts felt a major issue was the costs of bringing the building up to code; none of this needed to

1 be a problem. He felt a list specifics needs should have been developed. He understood that this current
2 facility does not meet our long term needs but, does buying building make sense.

- 3 • Linda Geotze explained we voted for you guys, so that you could make those decisions and do what you
4 think is best for the city. To rent space for meetings is hard to get to where you are supposed to go. If
5 Bear River bought the building it would still be tax exempt.
- 6 • Brian Shoell asked if the County felt the plans were up to code, or were there changes.
- 7 • Gary Knighton explained the two changes: we need two exterior lights on the stairs, and ADA says the
8 front counter is too high and a portion needs to be lowered.
- 9 • B Shoell felt we can walk across the street to have a meeting. Was there any effort to move meeting?
- 10 • Sheri Checketts explained we want you to work for us; I personally am interested in what is going on and I
11 want to give my opinion and be heard. We don't need a castle we need something reasonable to what we
12 have grown to.
- 13 • Alma Leonhardt explained restrooms in this building are not adequate for wheelchairs. In 1992 the
14 building was too small. To let people talk about grave site with a family, I would move out of the office
15 and let people have their privacy. We need to be in the heart of the commercial district area. It's not too
16 big; we need to think ahead; it does meet the needs of the city. The problem is people have been listening
17 to the newspaper.
- 18 • Rowan Cecil agreed with A Leonhardt. R Cecil is on the planning commission, and in this building a lot.
19 There is not room enough to do what needs to be done. This building is the court house for Millville and
20 River heights. The lawyer has nowhere to discuss things with his client. He felt the cost of the new
21 building was a good price relative to the other options.
- 22 • Dwight Cook felt the council bought the building without the proper count for and against. He wants the
23 council to be fiscally responsible. We need to expand and update this building. How often do we have this
24 many people in this room? We can update the restrooms etc. We can upgrade for a lot less than
25 \$1,300,000.
- 26 • Jan Arnell expressed concern she was not being heard, she was frustrated. If the majority of the city wants
27 something the council should respond to it, you work for us.
- 28 • Sharell Eames explained she attended the council meeting May 12, 2015. She felt all had an opportunity
29 to express themselves. I am ashamed you are reading the paper and letting it influence you. These are
30 fine men sitting here.
- 31 • Karl Seetahler is a former owner of the Old Rock Church and served on the Providence Historical
32 Committee. This is a vibrant community. Providence city government still remains a healthy democracy.
33 Main and Center is where the city government should be for the heritage of the community.
- 34 • Kristi Painter asked if a vote would be taken.
- 35 • Mayor explained that this subject was requested by some council members. The City Code required us to
36 hold a public hearing.
- 37 • Mayor Calderwood closed the public hearing.

38
39 **Item No. 2. 6:30 p.m. Final Budget Adjustments for Fiscal Year Ending 06/30/2016:** The Providence City Council is
40 holding a public hearing to consider the final budget adjustments for all funds (General Fund, Capital Project Fund,
41 Water Fund, Sewer Fund, Storm Water Fund) for Fiscal Year Ending 06/30/2016.

42 **Motion open public hearing: J Baldwin**

43 **Second: K Allen**

- 44 • S Bankhead indicated to refer to budget for information she is discussing. The overall increase adjustment
45 for general fund revenue was \$66,800. We are moving money forward for our road projects. We will
46 move money forward for parks in a future meeting. We budget conservatively on revenues and liberally
47 on expenses and the goal is that we come out fairly close on everything. We are moving approximately
48 \$241,000 forward to capital facilities for road projects that we anticipate will be needed. There were no
49 additional changes in water budget, no additional changes in the sewer budget, the storm water expenses
50 were reduced.
- 51 • Dale Astle looked over budget for 2016 justice, \$130,000, \$23,000 over last year increase. Citizens are
52 subsidizing \$33,000 and it is growing out of line. He questioned if it was cost effective and should be

1 continued.

- 2 • J Drew reported the Council has looked at justice court; the citizens do subsidize the court. We also serve
3 the cities of Millville and River Heights; a portion of the revenue from citations goes to those cities. Our
4 biggest expense is salaries and wages, about 95%. The State of Utah takes a certain amount of money
5 from our justice system, it depends on the citation. If we go the county they want a property tax increase
6 to handle this.
- 7 • K Allen explained the City pays for justice court; the local people pay for the services used. We want to
8 have our own identity. Mayor Calderwood closed the public hearing.

9
10 **Business Items:**

11 **Item No. 1. Consideration:** The Providence City Council will consider instructing the City Staff to prepare a
12 resolution outlining the procedures and terms for the sale of property located at 164 North Gateway Drive.
13 Mayor asked for a motion

- 14 • J Drew stated he would like some clarification on how to sell the building and if it is the direction to go.
15 Are we talking about a method to do this? We should talk to an attorney about details.
- 16 • S Bankhead what method do you want to use to sell the building? We will go forward with what you
17 decide.

18 **Motion to sell the building at 164 Gateway Drive: J Baldwin**

19 **Second: J Drew**

20 Discussion:

- 21 • K Allen felt we needed to get away from emotions and look at facts. This building is not adequate. We
22 have an opportunity that will last for years and enable us to do our business in a professional manner.
23 We need a new building.
- 24 • R Sneddon quoted himself as saying "why waste our time, the burden of proof is on those who want to
25 sell." He provided a schematic of a 4400 square foot building design and he estimated the project costs
26 from \$150.00 a square foot to \$194.00 a square foot for building only. The land acquisition would be
27 additional.
- 28 • J Drew felt the city should have had a general plan to acquire the building for \$1.3 million; previous
29 council considered refurbishing this building. It is a matter of priorities.
- 30 • D Giles thought the Council should have seen the floor plan before all of this happened. If there was a
31 floor plan why didn't they see it?
- 32 • G Knighton felt it was the responsibility of the council to get the plans; he would have made copies
33 available.
- 34 • J Baldwin was disappointed that there were not more people at the meeting. We have held three
35 meetings and not many people have attended. He wanted to hear more people's opinions. He wanted
36 solutions – not just sell the building. He feels that the restrooms in this building are not ADA compliant
37 and that if we remodel them for handicap there would not be enough space..
- 38 • K Allen explained we are out of code for transgender.

39 Comment: Mayor we have a motion on table to sell the building at 164 Gateway Dr.

40 **Vote:**

41 **Yea: J Drew, D Giles**

42 **Nay: K Allen, J Baldwin, R Sneddon**

43 **Abstained: None**

44 **Excused: None**

45 **Item No. 2. Reconsideration of Providence City Resolution 023-2016 a resolution awarding the bid for the**
46 **Providence City office remodel for the building located at 164 North Gateway Drive.** The Providence City Council
47 will reconsider the approval of Providence City Resolution 023-2016.

48
49 **Motion to reconsider bid for remodel: J Baldwin**

50 **Second: K Allen**

51 Discussion:

- 52 • J Baldwin reviewed the bid from Glen Thompson; it states he will complete the building in 4 months. We
53 need to add at the end of construction period we need a certificate of occupancy. If the county will not

1 give us occupancy certificate then we cannot move in.

- 2 • J Baldwin clarified we will not do the alternate.
- 3 • Mayor stated that the contractor will complete the project in 4 months, he will begin project within 10
- 4 days, and we need a certificate of occupancy and an inspection of completion from builder.

5 Vote:

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

7 Nay: None

8 Abstained: None

9 Excused: None

10
11 **Item No. 3. Resolution 031-2016:** The Providence City Council will consider for adoption resolution approving the
12 final budget adjustments for all funds (General Fund, Capital Project Fund, Water Fund, Sewer Fund, Storm Water
13 Fund) for Fiscal Year Ending 06/30/2016.

14 **Motion to approve final budget with adjustments: J Baldwin**

15 **Second: J Drew**

16 Vote:

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

18 Nay: None

19 Abstained: None

20 Excused: None

21
22
23 **Item No. 4. Ordinance No. 014-2016:** The Providence City Council will consider for adoption an ordinance changing
24 the zone of Parcel No. 02-098-0044 located generally at 160 South 100 East, from Single-Family Traditional (SFT) to
25 Multi-Family High (MFH). The Planning Commission has recommended the parcel remain in the SFT zone.

26
27 **Motion to consideration for adoption 014-2016: J Drew**

28 **Second: Giles**

29 Discussion and comments by Council: This appears to fall under the category of spot zoning: not appropriate for
30 the area.

31 Vote:

32 All in favor of changing to of MFH.

33 Nay: J Baldwin, K Allen, J Sneddon, D Giles, J Drew

34 Yea: None

35 Abstained: None

36 Excused: None

37
38 **Item No. 5. Ordinance No. 015-2016:** The Providence City Council will consider for adoption an ordinance changing
39 the zone of Parcel No. 02-115-0014 located generally at 900 South 400 East, from Agricultural (AGR) to Single-
40 Family Large (SFL). The Developer has requested Single-Family Traditional (SFT) zone.

41
42 **Motion to adopt Ordinance 015-2016: J Baldwin**

43 **Second: Drew**

44
45 Discussion: Is this the same property that we have discussed before in which the developer wants to go to SFT?

- 46 • S Bankhead explained the property previously discussed is located at about 1100 South; this property is
47 located about 900 South. We don't have a maximum lot size but we do have a minimum lot size. If the Council
48 were to zone this SFT, it can be done tonight without conditions. If the Council zones this SFL, the vote needs
49 to be conditional so the general plan can be amended. We need more time to revise the plan in order to
50 develop property the way it is proposed to be zoned. There will be a public hearing on the general plan
51 published on our website.

- 1 • Mayor the developer will have to put in a sidewalk and widen the road. The city owns one half acre above the retention pond in that subdivision and if the council wants to put in a park they can do it.
- 2
- 3 • Matt Hansen commented on the high cost of infrastructure for the development of this property. Building the SFT makes more sense. Going off of the general plan we have done our due diligence on this, why can't the city and developer work together? The SFL will double the size of the lots, we are willing to work with the public and the city.
- 4
- 5
- 6
- 7 • K Allen making that part of town exclusive, not everyone can afford that size of home and build an appropriate size house on it.
- 8
- 9 • Mayor The motion is to change the zone of this parcel from AGR to SFL.
- 10 • S Bankhead before you vote this is the planning commission recommendation on page 2 lines 23, we have to catch the general plan up with the way you want the property zoned. It is important that you get their general plan recommendation and that you make your vote on the general plan being amended.
- 11
- 12

13 Motion that council vote on SFL conditional and the general plan be amended: J Drew

14 Second: J Baldwin

15
16 **Discussion:**

- 17 • M Poole needed to confirm that there are not SFT in that area. There are 19 lots total. There are still a few lots left in the Orchard area.
- 18
- 19 • J Lyman if the whole area is zoned is SFT, then why is the whole area green on the map?
- 20 • S Bankhead somewhere around 2005 or 2006 we didn't have SFE. We worked with developers at that time; a plan was designed that is SFL based on ½ acres lots. The Highlands were built the same time as Hillcrest. The dark green area on that map has already been zoned in 2005 or 2006.
- 21
- 22
- 23 • S Jensen asked council to look at the plan property to go SFL to make up for SFE. We lost that and it went to SFT.
- 24
- 25 • K Allen Mr. Webb, where you live, is it zoned SFE?
- 26 • Webb We don't have any option but have one house. City doesn't have anywhere left for SFE marketable people want a larger lot. Shouldn't Providence have a space for this? We are set up for it.
- 27
- 28 • K Allen Where on that bench where will the SFT be able to buy his lot?
- 29

30 **Vote:**

31 Yea: D Giles, R Sneddon, J Baldwin, J Drew

32 Nay: None

33 Abstained: Allen

34 Excused: None

35
36 **Item No. 6. Resolution 032-2016:** The Providence City Council will consider for adoption a resolution appointing Andrea Diamond to the Providence City Planning Commission.

37
38
39 Motion to appoint Andrea Diamond to Planning Commission: K Allen

40 Second: Drew

41
42 **Vote:**

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

44 Nay: None

45 Abstained: None

46 Excused: None

47
48 **Item No. 7. Discussion:** The Providence City Council will discuss off-highway vehicle use and Providence City Code Title 5 Chapter 9 Off-Highway Vehicles.

49
50
51 Discussion:

- 1 • Mayor if they meet state law they are legal we as a city does not have the right to say they cannot drive
- 2 on the street.
- 3 • Deputy Nyberg age requirements state law does not give this law. We can have more laws but not less we
- 4 can enforce the state law.
- 5 • K Allen can a student 8 years old drive that street legal machine?
- 6 • Nyberg It is easier to answer questions
- 7 • A Jensen can a parent trail behind his child that is not 16, and go up canyon
- 8 • Nyberg as long as you are 300 feet behind them as long as they have all safety equipment and OHV
- 9 certificate
- 10 • J Lyman can we not ride up the road to Providence Canyon?
- 11 • Nyberg Yes, you can
- 12 • Todd Hendricks they need OHV sticker
- 13 • J Baldwin sticker that shows it is registered.
- 14 • George Hail How many violations have you given? Have you given a ticket?
- 15 • Nyberg: I haven't given any, I have to see a violation or you have to sign the complaint. If I do not see it
- 16 myself I cannot issue citation.
- 17 • Mayor citation is important but you must sign a complaint if you identify a violation.
- 18 • Nyberg We do warn door to door salesman.
- 19 • Bob Bissland we have filled out many complaints and nothing happens, we met with Sheriff Jensen and
- 20 nothing has happened, we filled out personal complaints and nothing has happened.
- 21 • Nyberg how do you know they are speeding? Noise, I have no way to measure noise. Some things we can
- 22 do and some we can't. There are three of us patrolling for this whole county.
- 23 • Laura Fisher: we live at the mouth of Providence canyon we see a lot of violators we have talked to your
- 24 colleagues about the violation of the law since 1990. We approach the Providence city council to enforce
- 25 code. It has become an item of discussion. Can you confirm to council that you will do nothing unless they
- 26 request it?
- 27 • Nyberg the council has requested more police presence. That's my responsibility to cover it. Providence
- 28 needs their own police force?
- 29 • Mayor we are going to get some different hours for them to do things. Call council members and give
- 30 their input
- 31 • A Diamond We need additional signs. How will that get decided? Is neighborhood watch in force here?
- 32 • L Geotze If there is no way to identify the ATV's; there is no way to report them. Suggestions would be to
- 33 require a license number on the vehicle and set stricter standards in our city.

34
35 Mayor: it will be on next council meeting for discussion.

36
37 **Item No. 8. Discussion:** The Providence City Council will discuss implementing merit increases for City employees.
38 We will hold up discussion on this.

- 39 • Mayor stated we agreed on a 3% cost of living raise on July 1, 2016. Can we do that? Do you want to hold
- 40 on to what we are doing or do it later in the year?
- 41 • S Bankhead stated we can do the increase retroactive if that is our decision.

42
43 **Staff Reports:** Items presented by Providence City Staff will be presented as information only.

44 **Financial Statements for May.**

- 45 • S Bankhead identified that she was passing out the financial statements.
- 46 • R Stapley stated that Comcast is holding us up. The neighborhood has been patient in waiting for
- 47 underground utilities. Prepping for curb and gutter to be put in this week.
- 48 • The generator needs to be our first emergency preparedness item. The 300 East Projects were delayed
- 49 with Rocky Mountain Power. It should be done right after 4th of July weekend.
- 50 • K Allen suggested a barbecue for the people on Fuhrman drive for their patience.

- R Stapley commented that there is still a lot of work to do on the HA5 road reconditioning. Within 3 or 4 years every road should have this sealant completed.
- C Webb asked if they have to do work on Sunday.
- R Stapley responded that the crew asked to work on Sundays. The crew made the comment, do you want it done or not?
- S Bankhead stated that the ordinances on side yard requirements for sheds are currently 5 feet off property line. People feel that if they don't need a permit they can build it. Should we consider changing setbacks?
- S Bankhead stated some communities require the company to come back and put on the HA5 within 18 months after completion. We will start process on these two items when we are given the go ahead.
- D Giles asked about the sheds that cannot be grandfathered.
- S Bankhead indicated that this would depend on how aggressive you want to be. I will send letters if that is what you want. I would prefer that someone else makes a complaint.
- R Stapley Skyline asks us to start thinking about new roundabout and what we want, they want to start this August.

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.

Comments by Council:

J Drew requested that a public hearing be held for the general plan and that it be scheduled per neighborhood.

A motion to adjourn Council meeting: K Allen

Vote:

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

Nay: None

Abstained: None

Excused: None

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 Utah Code 52-4-205(1) (d) and (e).

Council did not go into executive session.

Minutes recorded by S Bankhead and prepared by A Hicken.



Don W. Calderwood, Mayor



Skarlet Bankhead, City Recorder



City Council Meeting

JUNE 28, 2016

Please Sign In

Name

City of Residence

<u>Name</u>	<u>City of Residence</u>
Sharell Eames	Providence
Ty & Gina Crawford	Providence
Kevin Opsahl	Herald Journal
Newell Lyman	Providence
Wally Jensen	Providence
Richard Eames	Providence
Jon Jon	Providence
Brian Bagley	Providence
Roy & Erling-Hanson	Providence
Brian Parker	Providence
Steve Jensen	Providence
Mark Probst	Providence
George O Hill	Providence
Mitch Henline	Logan - Carle Valley Daily.com
Ron W Smith	Providence
D Cook	Providence
Margorie Jensen	Providence
Jack Jensen	Providence
Diane Elgan	Providence
Patricia Abo	Providence
Laure Fisher	Providence
Bob Bissland	Providence
Kristy Kinnear	Providence
K Sneddon	Providence
Brent Fress	Providence
Dan Smith	Providence
Park Abo	Providence
Andrew Chocketts	Providence
Peggy Giles	Providence
Lavona Watkins	Providence