

1 **PROVIDENCE CITY COUNCIL MEETING**  
2 **September 12, 2017 6:00 PM**  
3 **Providence City Office Building, 164 North Gateway Drive, Providence UT**  
4

5 Opening Ceremony:

6 Call to Order: Mayor Calderwood  
7 Roll Call of City Council Members: Mayor Calderwood  
8 Pledge of Allegiance:  
9 Opening Remarks – Prayer: Marge Townsend

10

11 **Approval of the minutes**

12 **Item No. 1.** The Providence City Council will consider approval of the minutes of August 8, 2017.

13 Corrections:

14 Page 4 line 15 – 19: ~~corp~~ Corp

15 Page 5 line 6: ~~committee~~ commitment

16 Page 5 line 18: shoot,

17 Page 5 line 24: fires. That

18 Page 6 line 19: add - Stop making asking questions, you are wasting our time. (K Allen disagreed with the  
19 comment; J Drew reported the comment it is on the tape 1 hour 32 minutes. The recording will be  
20 checked).

21 **Motion to approve the minutes for August 8, 2017 – J Baldwin, second – K Allen**

22 **Vote:**

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

24 **Nay: None**

25 **Abstained: None**

26 **Excused: None**

27 **Item No. 2.** The Providence City Council will consider approval of the minutes of August 22, 2017.

28 Corrections:

29 Page 2 line: ~~love~~ loved

30 Page 5 line 17: 600 ~~South~~ East

31 Page 6 line 14: ~~The~~ They

32 Page 6 line 24: add - a two-car garage is a great feature

33 Page 7 line 29: won't make a noticeable difference

34 Page 7 line 47: ~~come~~ some

35 Page 8 line 39: ~~ordinances~~ members

36 Page 9 line 25: ~~involve~~ involved

37 Page 10 line 5 complimented the work on the softball diamond

38 **Motion to approve the minutes for August 22, 2017 – J Drew, second – D Giles**

39 **Vote:**

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

41 **Nay: None**

42 **Abstained: None**

43 **Excused: None**

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

- 1 • Steve Jenson spoke to the three subdivisions on the South Bench: Baker property, one by  
2 Hillsborough, and a third one. The South Bench is the only bench that does not have a sidewalk  
3 going downtown to the school. He felt a sidewalk was needed to get people to the downtown  
4 area. He would like to see this on the general plan and let citizens know when it will be  
5 addressed.
- 6 • S Jenson also expressed concern about the irrigation water coming off the Baker property,  
7 particularly in the winter. His property has been flooded in the past.
- 8 • Andrew Stromness was concerned with progress with the parking lot lights at the CCID School.  
9 There are still some nights they are not turned off. J Drew reported he drove past 4 elementary  
10 schools, Spring Creek Middle School, and Ridgeline High School. Other than Ridgeline, they all  
11 had their lights on. Where lights were close to residential areas, they were off or oriented in  
12 such a way that they did not shine on the neighbors.
- 13 • Laura Banda, CCID Director, reported an electrician programed the lights on Wednesday, but the  
14 programing did not work. They are continuing to work on the programing. The hope to have  
15 shields by Thursday.
- 16 • Jeremy Gledhill was pleased by the school's management of the traffic. He also appreciated the  
17 4-way stop sign. He felt crosswalks would help. K Allen explained school have a walking plan. He  
18 asked if CCID had a plan. L Banda explained they are still analyzing their needs and the best  
19 place to put the crosswalks.
- 20 • Vanessa Gledhill felt a crossing guard would be helpful. S Bankhead will provide the information  
21 to obtain a crossing guard to Laura Banda.
- 22 • J Drew asked about the readings from the City's traffic signs. R Stapley felt 400 cars per week  
23 prior to school opening, 1,200 – 1,400 after opening.
- 24 • Dennis Zollinger explained he gets the most impact from the school. Many people park on his  
25 street and walk their children to the school. He asked about the dirt across from the school. L  
26 Banda explained the plan is to level and fence the area. L Banda will get back to Mr. Zollinger. L  
27 Banda reported the Boyer Company is hoping to have a fence contractor on Thursday. D  
28 Zollinger expressed concern that a survey marker had been removed. L Banda stated her  
29 understanding is a survey will be done and the marker replaced. She also reported they are  
30 looking at play equipment. They are having the children help with placement of hopscotch, and  
31 other activities, etc.
- 32 • R Stapley reported the project manager is still working on the project; and intends to finish the  
33 punch list. The plan is to bring the dirt to a 3-foot elevation. L Banda felt the school would like to  
34 leave the pond and creek as natural; it is not their goal to fill the pond.
- 35 • J Baldwin expressed concern about the north side of the north sidewalk. L Banda explained a  
36 slight fill will be put in and then a fence. R Stapley explained this item is on the punch list. L  
37 Banda offered to provide updates on the progress.
- 38 • Kristina Eck asked when the softball field would be open. S Bankhead reported it opened  
39 yesterday.

40  
41 **Business Items:**

42 **Item No. 1. Resolution 040-2017 Development Agreement:** The Providence City Council will consider  
43 for adoption a resolution approving the Development and Public Improvement Installation Agreement  
44 for Providence Gateway Phase 1, a residential multi-family subdivision, containing 25 townhomes,  
45 located at approximately 425 West 100 South.

46 **Motion to approve the Resolution 040-2017 – J Drew, second – R Sneddon**

- 47 • Discussion notes follow the vote

48 **Vote:**

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

2 **Nay: None**

3 **Abstained: None**

4 **Excused: None**

5 **Discussion:**

- 6 • S Bankhead reviewed the changes to the development agreement discussing the asphalt taper  
7 on 100 South, the fire line, improvements to 80 South for emergency vehicle access, and off-  
8 street visitor parking. S Bankhead explained the water fee in lieu is just for this phase. The  
9 declaration and grant of easement and maintenance agreement for storm water is included as  
10 an exhibit. A complete agreement will be recorded separately.
- 11 • J Baldwin asked if the private water line would be a problem. He wanted to make sure the  
12 backflow devices are mandatory and the system maintained. R Stapley explained backflow  
13 devices are mandatory; the system will be maintained.
- 14 • J Drew explained the consumer of the water is the homeowners association. There is one meter  
15 the city reads that goes to the development. The City does not meter the individual units.

16 **Item No. 2. Resolution 032-2017 Development Agreement:** The Providence City Council will consider  
17 for adoption a resolution approving the Development and Public Improvement Installation Agreement  
18 for the Providence Heights Subdivision Phase 1, a 13-lot phase of a residential subdivision, located at  
19 approximately 900 South 400 East.

20 **Motion to approve the Resolution 032-2017 – K Allen, second – J Baldwin**

- 21 • Discussion notes follow the vote

22 **Vote:**

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

24 **Nay: None**

25 **Abstained: None**

26 **Excused: None**

27 **Discussion:**

- 28 • S Bankhead reviewed changes to the agreement. The following statement written by Craig  
29 Smith, City Attorney, would be added as 1.6.5, "Any Irrigation and Tail Water Ditches which are  
30 located within the area shown on this Plat are the sole responsibility of the Spring Creek Water  
31 Company or its shareholders who utilize the Ditches."
- 32 • S Bankhead also explained that Exhibit C would be removed. The Water Company refused to  
33 indemnify the City, so the agreement cannot be reached. 1.6.4 now reads, "The developer will  
34 develop a flood mitigation plan to be approved by the city engineer as part of the construction  
35 documents, addressing storm, irrigation and ground water, and shall be implemented during the  
36 minimum improvements. The Developer has given the City Engineer a plan for mitigation. The  
37 pond in the southwest corner of this phase will be sized as a retention pond for storm water; it  
38 will not be enlarged for additional irrigation water. The Developer will install an additional pond  
39 to hold the irrigation run-off water; it will be placed toward the northwest corner of the  
40 undeveloped portion of the property. This is a temporary solution for Phase 1. A permanent  
41 solution will be part of Phase 2.
- 42 • J Baldwin asked what weight minimum improvements carried in preventing the developer from  
43 proceeding without building the irrigation pond. S Bankhead explained the City would not issue  
44 building permits, if minimum improvements have not been met; the pond must be built before  
45 building permits are issued.
- 46 • J Drew stated there is irrigation water on the developer's property. His concern is that the  
47 developer cannot resolve the issue. He reported he lived on the lateral for 10 years. The users  
48 have expressed concern to him that they cannot use all the water.

- 1 • Matt Nielsen, representative for the Developer, felt they have done everything that they have
- 2 been asked to do. He also reported the Developer is considering installing a secondary system.
- 3 • Steve Jenson wanted to know who would be liable if the proposed solution does not work.
- 4 • Spring Creek Water Company Representative, Wes Bitters explained this water is run-off water;
- 5 it is not continuous flow. The water company has two owners that have continuous flow for
- 6 stock watering. Now the property has been sold, the need for continuous flow will not be there.
- 7 He explained, as stockholders they have consulted with their attorney. Since this area has
- 8 handled the water since 1930, the Water Company felt it was the developer's responsibility to
- 9 handle the water, since they are changing the use of the property.
- 10 • C Woolley explained he could not comment on the Water Company side, since he has not read
- 11 the opinion. C Woolley restated Craig Smith's opinion, and agrees with it.
- 12 • D Calderwood felt with the plan in place, it is not fail-safe, but it is a good plan. If there is excess
- 13 water there is a method to take care of it. A head gate has been installed and a pond for the
- 14 irrigation water will be installed.
- 15 • J Drew applauds the efforts of the developer and their intent to provide secondary water. He
- 16 felt if other property owners that could benefit from this water, it should be developed.
- 17 • J Baldwin clarified the pond in the southwest corner of the phase would be installed and
- 18 improved.
- 19 • R Sneddon explained the water in the test was two to three times of the amount water
- 20 expected. It did not reach the area where the pond will be located. With the test data, the water
- 21 running on the surface will infiltrate.

22 **Item No. 3. Resolution 043-2017 Development Agreement:** The Providence City Council will consider  
23 for adoption a resolution approving the Development and Public Improvement Installation Agreement  
24 for Orchard Hills Phase 3, a 13-lot residential subdivision located generally at 1030 South 600 East.

25 **Motion to approve Resolution 043-2017 – K Allen, second – J Baldwin**

- 26 • Discussion notes follow the vote

27 **Vote:**

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

29 **Nay: None**

30 **Abstained: None**

31 **Excused: None**

32 **Discussion:**

- 33 • Mayor Calderwood asked how the water requirement was met. S Bankhead explained it was
- 34 part of an agreement between Providence City, Doran Baker, and the Developer. There is a
- 35 letter on file, dated in 2005 and signed by Mayor Leonhardt, stating the development has met
- 36 the water requirement for the entire subdivision.
- 37 • S Bankhead explained the location of the storm water ponds. The water pressure for the east
- 38 lots was discussed. The water pressure meets state requirements at the meter. Because the
- 39 elevation of the lots increases toward the east, the pressure at the east end may be lower.

40 **Item No. 4. Bid Award:** The Providence City Council will consider awarding the bid for the Gateway Drive  
41 and 100 South Roundabout landscaping.

42 **Discussion:**

- 43 • R Stapley reported he met with seven different companies on site, and all seemed very
- 44 interested in the project. However, only one company turned in a bid, \$41,087.99 from Canyon
- 45 Landscaping.
- 46 • J Baldwin felt it was a lot of money for a small area. He felt the paver wall amount seemed high
- 47 at \$17,000. Perhaps the City should consider a less expensive material other than the paver
- 48 brick. R Stapley explained the elevation above the sidewalk grade is two-feet. The accent

1 boulders are \$2,500. The sprinkler system is designed as a drip system. J Baldwin felt \$25,000  
2 would be a reasonable number for the area.

- 3 • J Drew clarified there was more to the project than the plantings; the dirt would have to be built  
4 up.
- 5 • J Baldwin suggested we work with the contractor to reduce the cost.
- 6 • R Sneddon [a civil engineer] felt civil engineers are known for building it functional, rugged, and  
7 ugly. Given this would be in place for a long time, as long as the quality is there, he felt the cost  
8 was low. He felt this is a place where the City should do it right.
- 9 • K Allen felt the City could look around and around for less expensive materials, but may not be  
10 satisfied with the result. He felt this was the place to have quality material and design so it does  
11 not deteriorate.
- 12 • J Baldwin agreed. However, he felt that with patience we might get the same quality at a lower  
13 price.
- 14 • Andrew Stromness suggested purchasing pavers from Lowes for a lower price. D Giles and J  
15 Baldwin explained the difference between residential and commercial pavers.
- 16 • J Drew did not know if Millville had completed their roundabout. He has heard concern with the  
17 speeds at the Millville roundabout; they have not installed speed limit signs.
- 18 • D Giles reported, after looking at the plan, it has been designed well. He wished we would have  
19 received more bids, but we did not. He felt the City needed a quality product. The wall is about  
20 \$29 per foot. He asked if decorative concrete would be less. R Stapley explained the decorative  
21 concrete is more involved to repair. D Giles agreed.
- 22 • J Drew asked if it would be beneficial to wait and bid again the first part of the year.
- 23 • K Allen felt there was a possibility delaying would create more problems down the road, and  
24 may cost us more. It is yet to be determined what the recent natural disasters will do to the  
25 prices of the commodities.

26 **Motion to accept Canyon Landscaping Bid of 41,087.00 with the option that R Stapley will work details**  
27 **that might reduce total cost - R Sneddon, second – K Allen**

28 **Vote:**

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

30 **Nay: J Baldwin**

31 **Abstained: None**

32 **Excused: None**

33  
34 **Item No. 5. Resolution 044-2017 Sign and Maintenance Agreement:** The Providence City Council will  
35 consider for adoption a resolution approving the Sign and Maintenance Agreement for the Little Baldy  
36 Subdivision, for property, Parcel No. 02-190-0000, located generally at 795 East Eagleview Drive.

37 **Motion to approve the Resolution 044-2017 – J Baldwin, second – D Giles**

- 38 • Discussion notes follow the vote

39 **Vote:**

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

41 **Nay: None**

42 **Abstained: None**

43 **Excused: None**

44 **Discussion:**

- 45 • S Bankhead explained the Developer has already installed sign. If the Developer refuses to sign  
46 the agreement, the sign will be removed.
- 47 • C Woolley prepared the agreement. He explained this type of agreement, is very normal. He felt  
48 the sign looked good; it fit the area. If the Council approves the agreement as is and the

1 developer refuses to sign the agreement, it will be removed.

- 2 • J Baldwin felt this was a win / win if the developer signs the agreement.

3 **Item No. 6. Extension of Spring Creek Parkway from 100 West to approximately 175 West.** The

4 Providence City Council will consider the extension of Spring Creek Parkway from 100 West to  
5 approximately 175 West.

- 6 • Mayor Calderwood asked if the staff had a solid number. S Bankhead explained the project is  
7 still in the early stages. The preliminary design indicated the wetland disturbance is under the  
8 amount for required mitigation [10%]. If in the final design, the slopes disturb more than 10%, it  
9 may be wise to build retaining walls rather than adding mitigation. Until we have a final design,  
10 it will be difficult to have more than a rough estimate. S Bankhead reported she did not have a  
11 copy of the estimate, but thought it was about \$260,000 - \$300,000 maybe lower, just not  
12 enough information at this time.
- 13 • J Baldwin felt the staff should continue with the design.
- 14 • K Allen though the entire Spring Creek Parkway should be considered. He felt the traffic coming  
15 from the east bench development must be considered.
- 16 • J Drew explained there are about \$12,000,000 in projects on the list, one being the sidewalk  
17 along 100 East from Canyon Road. He felt all the projects should be considered; public safety  
18 should be a priority. He also explained Spring Creek Parkway has been on the general plan for  
19 years as a traffic corridor that will drain traffic from the east bench. He cautioned being careful  
20 what was wished for, this might accelerate the traffic process that much faster.
- 21 • Impact fees were discussed. Enough design work should be done for impact fee eligible projects  
22 that a reasonable impact fee analysis can be completed.
- 23 • J Baldwin felt the city made the choice to move on the road when we approved the charter  
24 school.
- 25 • The council felt the city staff should continue with the design.

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

27 S Bankhead

- 28 • Her report included the July invoices for the council review.
- 29 • October 12 seems to be the best day for the Meet the Candidates night. The CCID School has an  
30 area that will hold the event and have agreed to house the event.
- 31 • R Stapley explained Gateway extension is getting asphalt; the lights are scheduled for next  
32 week. We could potentially open in two weeks, but he would prefer to have the landscaping  
33 installed. He also reviewed the sub-grade change order involving the wetland area and the C900  
34 pipe change order.
- 35 • R Stapley asked if the Council wanted him to pursue milling and improving 300 South and 100  
36 West. The Council felt he should continue.
- 37 • R Stapley reported the staff completed the site work for the salt building.

38  
39 **Council Reports:** Items presented by the City Council members will be presented as informational only;  
40 no formal action will be taken. The City Council may act on an item, if it arose subsequent to the posting  
41 of this agenda and the City Council determines that an emergency exists.

- 42 • D Giles reminded the council of Oktoberbraut on October 7.
- 43 • J Drew reported he was on-site when the technician measured the water flowing to the Baker  
44 property – 250 gallons per minute.
- 45 • R Sneddon – no report
- 46 • K Allen – no report
- 47 • J Baldwin – no report
- 48 • Mayor Calderwood visited the Clear-As wastewater treatment demonstration in Hyrum. He has

1 literature the Council is welcome to look at.

2  
3 **Executive Session Notice:**

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

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

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

10 **Motion to enter a closed session – K Allen, second – R Sneddon**

11 **Vote:**

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

13 **Nay: None**

14 **Abstained: None**

15 **Excused: None**

16  
17 Council re-entered open meeting.

18 Staff Reports (cont.)

- 19 • The future park at 400 East and 800 South was discussed. The estimated cost is \$275,000 to  
20 \$300,000, about \$100,000 - \$125,000 over budget. Staff asked for direction as to proceed with  
21 the current design and increase the budget or redesign and stay within the current budget.
- 22 • Phasing the project by purchasing and installing the restroom, pavilion, and fencing first.
- 23 • Council would like the staff to see if the amenities could be scaled back and stay closer to the  
24 original budget.

25  
26 **Motion to adjourn – J Baldwin, second – K Allen**

27 **Vote:**

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

29 **Nay: None**

30 **Abstained: None**

31 **Excused: None**

32  
33 Meeting adjourned at 9:37 p.m.

34  
35 Minutes prepared by S Bankhead

36  
37 **Approved 09/26/2017**

38  
39 \_\_\_\_\_  
Don W Calderwood, Mayor

\_\_\_\_\_ Skarlet Bankhead, City Recorder