

1 **PROVIDENCE CITY COUNCIL MEETING MINUTES**  
2 **May 14, 2019 5:30 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: Brent Fresz, Kristina Eck, Kirk Allen, Dennis Giles, Roy Sneddon  
8 Pledge of Allegiance: Mayor Drew  
9 Opening Remarks – Prayer:

10  
11 **Executive Session 5:30 PM:**

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

14 **Motion to enter executive session—B Fresz, second — R Sneddon**

15 **Vote:**

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

17 **Nay:**

18 **Excused:**

19  
20 **Approval of the minutes**

21 **Item No. 1.** The Providence City Council will consider approval of the minutes of April 30, 2019

22 **Motion to approve the minutes of April 30, 2019: — R Sneddon, second — D Giles**

23 **Vote:**

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

25 **Nay:**

26 **Excused:**

27 Discussion:

- 28
  - No corrections

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

- 34
  - Kent Dunkley spoke about 100 South. He said that a cul-de-sac was recorded and approved by the city,  
35 and approved by the city council, mayor and city attorney. He showed the council a document. The  
36 question with Mark Thompson's property is west of the cul-de-sac, not east of the cul-de-sac. He heard  
37 this week that there may have been wrongdoing on the part of Mark Thompson or others on 100 South.  
38 Even if this is the case, it shouldn't affect an approved cul-de-sac. He questioned whether the discussion  
39 tonight is about winning or about a true need. He said that M Thompson has been an excellent neighbor  
40 who has contributed to the city. He would like to see the city speak with the residents face to face rather  
41 than through an attorney. He said that K Eck and Mayor Drew said that they opposed eminent domain  
42 during their campaigns, but yet now are considering it.
  - Teri Dunkley said that she has lived on 1<sup>st</sup> South since 1990. This has been an issue that entire time. In  
44 2003, there was a signed document in support of the cul-de-sac by residents. She feels that now the city is  
45 going back on their word by trying to put in a through road. It is not just the residents of 100 south that  
46 would like the buffer. She said that the townhome residents nearby would also like it to be a cul-de-sac.  
47 She is also opposed to the idea of leaving a road unrepaired until it runs out of service life.
  - Deon Johnson was on the council at the time that 1<sup>st</sup> south came on the agenda. It was an issue for a year  
48 and a half. The residents fought hard for what was theirs. The residents used to own the road. The  
49 residents accepted city water and city sewer, and allowed the city to put the sewer line through their  
50 property. The council decided at that time that the residents could retain their dead end street. He hopes  
51 this issue doesn't have to be fought out again.

54 **Public Hearing(s):**  
55 **Item No. 1. PUE Vacate & Relocate 6:15 PM:** Prior to making a decision on public utility easement vacation and  
56 relocation in the east and north portion of property located in the general area of 370 Abbey Lane, Providence UT,  
57 the City Council is holding a public hearing. The purpose of the public hearing is to provide an opportunity for  
58 anyone interested to comment on the proposal before action is taken. The City Council invites you to attend the  
59 hearing in order to offer your comments.

- 60 • No comments

61  
62 **Business Items(s):**

63 **Item No. 1. Proposed Vote.** Update on agreement between Spring Creek Water Company and Providence City and  
64 authorization for legal counsel to take further action.

65 **Motion to table the vote until May 28 — D Giles, second — K Eck**

66 **Vote:**

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

68 **Nay:**

69 **Excused:**

- 70 • D Giles felt that we should table this until June 10. He talked with B Speth of the water company and feels  
71 that an agreement can be worked out within the timeframe of 120 days required by the city's application  
72 for permanent change of water.
- 73 • K Allen felt that we should postpone it until May 28th. There are other issues that need to be cleared up,  
74 such as representation on the board, voting according to the number of shares, etc.
- 75 • B Fresz is in favor of continuing it until May 28<sup>th</sup>.
- 76 • R Sneddon felt that waiting until the 28<sup>th</sup> is in the best interest of the city.
- 77 • K Eck was in favor of waiting until the 28<sup>th</sup>.

78  
79 **Item No. 2. Proposed Vote.** The Providence City Council will consider eminent domain action for a portion of 100  
80 South between approximately 400 West and 500 West.

81 **Motion to postpone the vote until the next council meeting: —K Allen, — R Sneddon**

82 **Vote:**

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

84 **Nay:**

85 **Excused:**

- 86 • Mayor Drew said that this includes a strip of land on the west side of where 100 south is closed off. It is  
87 about 14-16 feet wide.
- 88 • Mark Thompson spoke about his history with the city. He said that he is usually easy to work with. In the  
89 past, he donated the land for the soccer fields behind Spring Creek Middle School to the city. Not long  
90 after that, the city came with a sewer issue. He worked as a mediator between the city and the residents  
91 on the street and convinced the residents that they needed to help the city with the sewer. As for the 16  
92 ft right-of-way in question, he said that he put a restriction on the deed that says that the easement  
93 cannot be used to access 200 West. He said that he recently got a call from the city attorney that  
94 mentioned eminent domain. He feels that eminent domain is combative and offensive. He suggested that  
95 instead, the city should talk to him and discuss the issue.
- 96 • Joe Chambers, attorney for Mark Thompson, said that if the city goes ahead with eminent domain, he and  
97 Mark Thompson will exercise their rights according to the legal process. What Mark is suggesting is that  
98 there is a better way to handle it.
- 99 • K Allen understands that the people of that street have had this hanging over their head for a while, and  
100 that this is an emotional issue. He would like to postpone the vote until the next council meeting so that  
101 we can talk with Mark Thompson about this specific property. He is not sure what the effect will be on  
102 making the road go through.
- 103 • R Sneddon feels that when looking at the map, it is apparent that putting the road through is inevitable. It  
104 is only a matter of time. He believes that we can come to an agreement that represents the interests of  
105 both sides.

- 106 • C Wooley, Providence City attorney, said that the property in question has a clouded title. Even if the city  
107 works out a deal with M Thompson, it is still clouded. A title search said that it is titled to George Hogan  
108 who died 100 years ago. Even if M Thompson tells us that we can work something out, there still needs to  
109 be a quiet title action or an eminent domain action unless M Thompson is willing to indemnify the city  
110 against any future claimants. C Wooley asked if J Chambers would allow us to contact his client.
- 111 • J Chambers said that he does not have a problem with a non-attorney contacting M Thompson. The  
112 council members can contact him. However, it can't be three or more council members unless it is a  
113 public meeting.
- 114 • C Wooley said that this piece of land was split off from George Hogan's land at some point. Later on, there  
115 was a deed to M Thompson and his wife. Then there was a deed from M Thompson to Providence City.  
116 The property in question is owned by Providence City right now if M Thompson had the right to deed it  
117 the way he did it. The title company said that George Hogan owns the property according to them, but  
118 they would not insure that opinion. The clouded title makes it difficult for the city to do anything with that  
119 property without a court action.
- 120 • M Thompson said that if there is a clouded title, he would like to discuss it rather than going through the  
121 process of eminent domain. He feels that it can be cleared up.
- 122 • Mayor Drew said that we need to have an agreement in writing or from the court so that when councils  
123 and mayors change, the agreement will survive.
- 124 • K Dunkley said that even though the cul-de-sac agreement was in writing, it doesn't seem to be surviving  
125 changes of leadership. He said that the property in question has pavement and curb and gutter on one  
126 side. Someone has already done something with it. He disagreed with the idea that the city can't do  
127 anything with the property until court action is taken.
- 128 • M Thompson said that George Hogan bought that 16 ½ foot parcel so that he could herd his cattle down  
129 that road. M Thompson has researched this parcel under the direction of Michael Glead.

130 **Item No. 3. Resolution 014-2019 Annexation for further consideration:** The Providence City Council will consider  
131 for adoption a resolution accepting an annexation petition for further consideration for Parcel No. 02-096-0058; a  
132 10-acre parcel located adjacent to the southwest boundary of Providence City, in the general area of 505 West 500  
133 South, Providence.

134 **Motion that the city consider the annexation petition — K Allen, — D Giles**

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

136 **Nay:**

137 **Excused:**

- 138 • S Bankhead explained that this vote does not obligate the council to annex the property. It only tasks the  
139 city recorder and the city attorney with verifying that it can be certified.
- 140 • Nick Porter of Champlain Development said that they would like to annex the property and build a 55 and  
141 older community on it. He presented the council with a preliminary drawing.
- 142 • K Eck asked if 500 South would be brought through.
- 143 • N Porter said that it would.
- 144 • S Bankhead said that they are asking for Single Family High which is 5.5 units per acre.
- 145 • Mayor Drew asked about the open area shown in the upper right of the drawing.
- 146 • N Porter said that it is a detention pond.
- 147 • K Allen asked where the open space is.
- 148 • K Eck asked if this will be marketed as a 55 and older community, or just as houses on small lots.
- 149 • N Porter said that it will be marketed as a 55 and older community.
- 150 • These will be 1500-3000 sq ft single-story homes.
- 151 • N Porter said that they may incorporate a walking trail. They have also thought about incorporating a  
152 community garden.
- 153 • Mayor Drew asked about incorporating Ballard Spring as a park-like feature.
- 154 • N Porter said that this parcel does not touch the spring.
- 155 • R Sneddon asked if he would be able to live there if he was over 55 and he had teenagers at home.

- 156 • N Porter said that he would not be eligible if the teenagers were living there permanently. However, even
- 157 in 55 and older communities, there is a percentage that do not have to be 55 and older. He thinks that
- 158 this is a government stipulation.
- 159 • S Bankhead explained the process relating to annexation. If the council wanted to, they could deny the
- 160 petition right now. If they are willing to consider it, they can approve it for further consideration. Then the
- 161 city recorder and the city attorney will make sure that the petition can be certified. After that, notice is
- 162 given to the public. At the end of this process, the city council votes to approve or deny the annexation.
- 163 • B Fresz asked why the developer thinks that this is a good property for this development.
- 164 • N Porter said that these types of communities like quick access to the downtown, including grocery stores
- 165 and hospitals. They felt that there is a growing demand in Providence for a community like this.
- 166 • B Fresz said that developing around the spring and incorporating it as a feature would add a lot of value.
- 167 He is worried that if this parcel is taken out and developed separately, using the spring in a coordinated
- 168 development will no longer be possible. He said that it could be developed as retail with a walking trail
- 169 around the spring.
- 170 • N Porter asked whether the other property owners around the spring would consider selling.
- 171 • Mayor Drew said that Marlin Hoth just acquired that property. He wants to farm it, and would like to be
- 172 de-annexed into the county.
- 173 • K Eck said that it is pretty steep around the spring and might be difficult to develop.
- 174 • K Allen felt that approving this community could draw business into the area. It could attract the type of
- 175 development that B Fresz is referring to.
- 176

177 **Item No. 4. Ordinance No 2019-010.** The Providence City Council will consider for adoption an ordinance vacating  
 178 and relocating a public utility easement in the east and north portion of property located in the general area of 370  
 179 Abbey Lane, Providence UT.

180 **Motion to approve Ordinance No 2019-010—B Fresz, second — R Sneddon**

181 **Vote:**

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

183 **Nay:**

184 **Excused:**

- 185 • S Bankhead said that the city has purchased property with the intent to build a reservoir. In order to
- 186 service pipes going to and from that reservoir, we realized that we needed to change some things about
- 187 the easement going through the Stevenson’s property. The Stevensons suggested the current proposed
- 188 easement.
- 189 • R Stapley, Public Works Director, explained that we did some incorrect easements when we first put our
- 190 water line through the Stevensons’ property. After some discussion with the property owner, it was
- 191 decided that it would be easiest to vacate all the current easements and record new ones. The sides of
- 192 the property had public utility easements. The property owner would like to remove those. They would
- 193 like to remove the old water pipe easement, and make one 15 ft easement from Abbey Lane. The city can
- 194 put two water mains within that easement.
- 195 • S Bankhead mentioned page 2 line 13. The implementation clause of the ordinance specifies that if the
- 196 property owners change their mind on the new easement before all the paperwork is done, the city will
- 197 get the old easement back.
- 198 • B Fresz asked if both the city and the property owner are happy with the plan.
- 199 • R Stapley said that they are.
- 200

201 **Item No. 5. Discussion.** The Providence City Council will discuss the Providence Cemetery expansion project and  
 202 fees.

- 203 • Mayor Drew presented a data sheet about the prices that other cities charge for their cemetery services.
- 204 We have 169 spaces that remain unsold. The expansion would bring in an additional 800 spaces. If we are
- 205 selling about 100 a year, that would mean that we will have 8-10 years’ supply of cemetery spaces.
- 206 • Mayor Drew said that all of the cities that we examined other than Logan have a resident and non-
- 207 resident rate. We have discussed following Logan’s lead by charging a single rate.

- 208 • Mayor Drew said that many people buy the maximum number of spaces per household in our cemetery,  
209 which is 8. There are only two other cities that we examined, Smithfield and Hyde Park, that have a limit.  
210 Also, many people buy spaces at the resident rate, and then transfer them to non-residents. There are  
211 also over 3000 spaces that have been sold but are not yet occupied. This is over half of the total spaces.
- 212 • Mayor Drew said that former River Heights Mayor Brackner has been asked to approach Providence  
213 about sharing the cemetery. If this were to happen, a district with taxing authority could be created.
- 214 • Shane Hansen, Providence City Cemetery sextant, said that he wishes that residents could continue to get  
215 a discounted rate. However, he feels that it is time that we go to one rate. People transfer resident spaces  
216 to non-residents. We should probably consider raising some of our fees, such as opening and closing fees  
217 and the \$20 transfer fee. He mentioned that some cemeteries don't allow you to purchase a space until  
218 someone dies. We might want to also consider a headstone placement fee. It takes S Hansen about an  
219 hour to prepare the area for the placement.
- 220 • K Eck asked about the fee to exhume.
- 221 • S Hansen said that we charge an opening and closing fee for exhumations.
- 222 • Mayor Drew explained that the Providence City Cemetery is not in River Heights city. It is in county land  
223 that is surrounded by River Heights City. At the time it was purchased, it was not surrounded by River  
224 Heights City.
- 225 • K Allen asked if Logan implemented a study for their prices.
- 226 • S Hansen is not sure. He thinks that they implement a percentage increase every few years.
- 227 • B Fresz looked at the budget information and said that we spent about \$85,000 in Operations and  
228 Maintenance (O&M) last year, and our current year projected is \$106,000.
- 229 • R Sneddon said that Providence families think of these as family plots. They don't consider their children  
230 who live somewhere else as non-residents. It would be easier to do one rate.
- 231 • Mayor Drew said that policing two different rates is very difficult.
- 232 • S Hansen said that the new motor for the cemetery well pump should be up and running soon.
- 233 • S Hansen urged the council to not wait too long on a vote for rates, because the remaining spaces will  
234 start selling quickly.
- 235 • K Eck proposed that we put this on the May 28<sup>th</sup> agenda for a vote.
- 236 • Mayor Drew said that if we are going to do that, the council needs to agree on rates.
- 237 • K Allen said that he prefers two rates, because the residents have subsidized the cemetery.
- 238 • S Bankhead said that it is very difficult to police this, especially when people are considering death or are  
239 trying to help a friend in crisis.
- 240 • K Allen suggested requiring a signed statement.
- 241 • S Hansen said that if we want two rates, we should not allow transfers. We should also consider  
242 decreasing the number of spaces allowed per household.
- 243 • Mayor Drew said that the rate at which we are selling the spaces is increasing, and that we will run out  
244 soon.
- 245 • S Bankhead said that the limited number of spaces available at the cemetery causes people to buy more  
246 spaces.
- 247 • B Fresz said that someone should do research about how much all of the cemetery services cost us.
- 248 • R Sneddon said the costs of the services will increase over time. Our rates should as well.
- 249 • B Fresz said that the only thing that is subjective is the burial space. The rest can be analyzed to determine  
250 the cost.
- 251 • Mayor Drew said that the fees for opening and closing are probably higher than the cost of the labor. Part  
252 of the fee is a means of recouping the cost of operating the cemetery.
- 253 • S Hansen said that there is a process for reclaiming unused cemetery spaces that have been unused for a  
254 certain amount of time. It can be messy because descendants of the owner of the space can claim to be  
255 heirs. However, it is something that we could consider.
- 256 • K Eck would like to make sure that the decision on the rates doesn't get put off for too long. She asked the  
257 council who is in favor of one rate for a burial space, and who is in favor of a resident/non resident split.
- 258 • B Fresz said that we should match Logan's pricing, which is one rate.

- 259 • K Allen would like two rates.
- 260 • R Sneddon would like one rate, based on 2020 dollars.
- 261 • K Eck likes the idea of one rate
- 262 • D Giles likes the resident rate, but he thinks that perhaps one rate is the solution to our problems.
- 263 • S Hansen is concerned that if we don't match Logan's rate, our spaces will fill up.
- 264 • S Bankhead asked for the council's position on perpetual care, which is covered by the lot price. Does the
- 265 council want to have that cover all maintenance except the grave opening, or only a portion of ongoing
- 266 maintenance with some set aside for future expansion and repair and replacement?
- 267 • K Eck suggested that we do half spaces for infants.
- 268 • S Hansen said that this complicates the clerical work for the cemetery.
- 269 • Mayor Drew said that based on his calculations, our price for a cemetery space only covers the value of
- 270 the land itself. It is not paying for maintenance costs.
- 271 • S Bankhead said that the perpetual care right now goes towards capital repair and replace and expansion.
- 272 This is the money from the grave site purchase. The O&M comes from opening and closing fees and is
- 273 subsidized by property taxes.
- 274 • K Allen felt that some of the money should go towards repair, and some towards O&M. We should look at
- 275 ways to increase the flow of money into the cemetery budget so that it doesn't drain as much out of our
- 276 general fund.
- 277 • B Fresz said that unused graves should have a maintenance fee.
- 278 • S Bankhead said that some cemeteries do that. Part of the reasons is that if someone is paying, they know
- 279 that someone intends to use that space. If it goes dormant, they have ways to foreclose on it.
- 280 • Mayor Drew asked how we can price perpetual care into what we charge today. It is difficult to estimate
- 281 the cost of perpetual maintenance.
- 282 • K Allen said that although we may not be able to estimate the long-term cost, we can lower the amount of
- 283 money coming from our general fund for cemetery maintenance.
- 284 • R Sneddon said that a cemetery is a kind of green space. It is a good place to contemplate. It is worth
- 285 maintaining it well.
- 286 • K Eck suggested having one rate for burial spaces at \$750 and leaving all other cemetery fees the same.
- 287 • S Hansen suggested \$800. He also feels like the weekend opening and closing fee is too low.
- 288 • S Hansen spoke about the additional charge for opening and closing after 4pm. His suggestion is not to
- 289 allow this at all. In the winter time, opening and closing after 4pm means that city staff is closing the grave
- 290 in the dark, which is a safety issue.
- 291 • Mayor Drew asked if we should use Logan's rates.
- 292 • K Eck and D Giles agreed.
- 293 • R Sneddon suggested splitting the difference between our rates and Logan's rates.
- 294 • S Hansen said that if we go lower than Logan's rates, he thinks River Heights residents will sell their Logan
- 295 spaces and buy ours.
- 296 • K Allen asked about our indigent program for those in need. S Bankhead said that it is still operational.
- 297 • R Sneddon said that for a grave space, he is okay with charging more than Logan (which charges \$750). It
- 298 is the other rates for which he wants to split the difference.
- 299 • R Sneddon was concerned about the 4pm deadline for burials. He said that many families gather together
- 300 for a meal before a burial, and things end up getting later than expected.
- 301 • S Hansen said that we inform the families of our time restrictions, and it usually works out fine.
- 302 • The council decided to vote on this on the 28<sup>th</sup> of May.
- 303 • K Eck suggested that we have an article written about the history of the Chinese headstones that are in
- 304 the cemetery.
- 305 • K Allen knows someone who has researched it, and will look into it.

**Item No. 6.Discussion.** Budget presentation

- 307 • Mayor Drew presented a sheet to the council that has information on the compensation that other cities
- 308 pay to their council members and mayor.
- 309

- 310 • B Fresz explained that he asked that council member compensation be brought up because he wanted to  
311 get more people involved on the city council. He said that the city council is a flexible part-time job. We  
312 have a large number of highly educated stay-at-home moms who are not working. He surveyed seven of  
313 them in his neighborhood (about 10%) and asked them what it would take for them to consider looking at  
314 a city council position.
- 315 • B Fresz said that he used the federal poverty level as something on which to base his salary suggestions.  
316 Most of the people he asked were willing to consider the council position if it paid the equivalent of the  
317 federal poverty level for a 2-3 person household (\$16,910-21,330). He asked S Bankhead and the Mayor  
318 to look at what other cities pay. If we make any changes, he suggested that they only apply after the  
319 upcoming election.
- 320 • D Giles said that the newer generation doesn't want to take the time to do the job. He is not sure if a pay  
321 increase would help.
- 322 • Mayor Drew said that Brigham City offers their council members a full employee benefits package.
- 323 • C Wooley said that in his experience representing boards, sometimes no amount of money is worth the  
324 difficulties that one is exposed to. Paying to get people to run might not work. But he does believe that  
325 council members should be paid. This job affects all areas of their lives. Voting for a raise exposes the  
326 council to criticism, but it might be worthwhile.
- 327 • K Eck said she would have a hard time voting herself a raise. She didn't run to get paid. She doesn't really  
328 have an opinion on it.
- 329 • B Fresz said that the advantage of tying the pay to the federal poverty level is that it raises periodically  
330 with cost of living. The council wouldn't have to continually vote for increases.
- 331 • K Allen said that he is not sure about tying it to the poverty level because this is an add-on job, not the  
332 only position a council member will have.
- 333 • B Fresz said that by paying too little, we are excluding a group of people who can't afford to put the time  
334 in. Instead, we get people who can afford it even without the pay. These are often retirees.
- 335 • Mayor Drew said that stay-at-home moms who could potentially join the council already aren't getting  
336 paid anything.
- 337 • B Fresz said that if they are choosing between part time jobs, it would help for a council position to pay  
338 more. This is a pretty good part-time job with flexible hours. Also, the people he polled were looking for  
339 \$15-20,000.
- 340 • Mayor Drew said that such high pay would make Providence an outlier.
- 341 • B Fresz said that we are in a position that requires more effort of the council, because we are no longer a  
342 small city, but we don't yet have the support staff of a larger city like Logan.
- 343 • K Allen said that he didn't know he would be paid when he ran for city council. If someone is doing it for  
344 the money, they are doing it for the wrong reason. He might be willing to raise it a little, but not very  
345 much.
- 346 • R Sneddon said that he also didn't know that the city council was paid when he ran. He would be fine with  
347 no pay at all for himself.
- 348 • D Giles said that the reason that most of the council didn't know that they would be paid is their age. Still,  
349 he is not sure whether or not pay will make a difference in getting people to run.
- 350 • Mayor Drew said that sometimes those who are on the council for the money might make different  
351 decisions than those who are not.
- 352 • Mayor Drew said that the amount that K Allen suggested would be about a 4.5% increase.
- 353 • K Eck asked how much of a raise the city staff are getting for the next budget year. Mayor Drew said that a  
354 3% increase is the plan.
- 355 • K Allen suggested putting this on the agenda for November or December. Mayor Drew said that for  
356 budget purposes, we could put a 4.5% increase in the budget for now, and then vote on it later.
- 357 • Mayor Drew brought up the fire contract for emergency services. This budget year, it will be \$303,000 for  
358 a partial year. We need to find a funding source. The next year will be \$460,000, with a 3% increase after  
359 that for the rest of the 5-year contract. Mayor Drew asked if we should fund this through a property tax  
360 increase. According to his calculations, this would be an increase of about \$175 per household per year  
361 for an average residence. The average residence currently pays \$211 in Providence. It is about an 80%

- 362 property tax increase. This would definitely be an increase that would get people’s attention. The other  
 363 option is a \$17 per month utility bill charge that would go into effect November 1<sup>st</sup>.
- 364 • S Bankhead said that Roger Tew of the Utah League of Cities and Towns advised us that if someone were  
 365 to challenge the \$17 utility charge in court, we would probably lose. They could challenge it on the basis  
 366 that it is a tax in disguise, and we didn’t go through the truth in taxation process.
  - 367 • R Sneddon asked what the legal difference is between that fee and garbage collection.
  - 368 • S Bankhead said that not everybody utilizes the emergency services. This is one difference.
  - 369 • R Sneddon doesn’t like making residents pay for things under the general heading of “tax.” He would  
 370 prefer that people see what they are paying for.
  - 371 • Mayor Drew also likes the utility fee because it has a line item that shows residents that the money is  
 372 going to Logan City.
  - 373 • S Bankhead said that there are many people who do not even know how much they pay in property taxes  
 374 because it is incorporated into their mortgage. These people would probably prefer a tax increase to a  
 375 utility increase.
  - 376 • K Eck said that they will still see their mortgage go up. She likes the line item on the utility bill.
  - 377 • K Eck said that with the utility bill charge, those that live in apartments would share in the cost.
  - 378 • C Wooley said that we need to be careful when we levy a fee like that so that we do not disguise a tax as a  
 379 fee. It is a service that we are charging for, but the problem is that not everybody uses it. It would be a fee  
 380 if we only charged the people that used it. When you are spreading it among the whole population, it is  
 381 more like a tax. The way to avoid trouble is to treat it like a tax and have the public hearing even if it is  
 382 going on the utility bill. Or, we could just say that we don’t believe it is a fee and hope that nobody fights  
 383 it. C Wooley said that if the council would like him to, he could do some research on whether we could  
 384 survive a legal challenge.
  - 385 • Mayor Drew noted that some cities charge a streets fee on their utility bill.
  - 386 • C Wooley said that counties and municipalities do similar things all the time. Sometimes they are  
 387 challenged and sometimes they are not.
  - 388 • Mayor Drew said that we could argue that it is a fee for an outside contract, or that it is kind of like  
 389 insurance that everyone pays for. However, one argument for making a tax increase is that the amount  
 390 we receive would naturally increase over time as the value of homes increase.
  - 391 • K Allen said that we should not be afraid of having a public hearing.
  - 392 • B Fresz said that there is no reason not to go through the truth in taxation process, even if we end up  
 393 putting it on the utility bill.
  - 394 • S Bankhead said that we will be doing the truth in taxation process regardless of what we choose.
  - 395 • Mayor Drew said that a property tax increase has the benefit of increasing its revenue gradually to keep  
 396 up with the increase in the Logan City emergency services contract. Also, it is deductible from federal  
 397 income taxes. Therefore, the federal government would be subsidizing the increase for those who itemize  
 398 their deductions. However, many people do not itemize their deductions anymore because the standard  
 399 deduction rates have increased.
  - 400 • Mayor Drew asked the council members which option they are in favor of. B Fresz and D Giles were in  
 401 favor of a property tax increase, and K Allen and R Sneddon were in favor of a utility bill fee. K Eck didn’t  
 402 have an opinion. Mayor Drew decided that we will proceed on the assumption of a property tax increase.
  - 403 • S Bankhead spoke about the budget. She said that we used a 3% increase for all employees, including the  
 404 council and mayor. We can adjust that to 4.5% for the council and mayor as discussed. We also included  
 405 the city manager salary in the budget. We are assuming a 50% benefit rate.
  - 406 • R Sneddon asked where the money for the city manager will come from.
  - 407 • S Bankhead said that it will come from property tax revenue and sales tax.
  - 408 • K Allen said that we need to go slowly on adding the city manager position. There was a lot of pushback  
 409 four years ago. We should consider other options, such as hiring additional support personnel.
  - 410 • B Fresz said that whether or not we call it a city manager or a city administrator, we need to hire someone  
 411 else for succession planning for when S Bankhead retires. We will have to budget for double wages for a  
 412 while.



- 413 • Mayor Drew said that every year, there are more requirements imposed on the city. These are unfunded,  
414 complex mandates from state and federal government. It is easier for cities like Logan to handle them,  
415 because their department heads are experts in their specific areas. We don't have that kind of specialized  
416 expertise. Most of our office employees wear multiple hats and are jacks of all trades.
- 417 • K Eck said that if we get pushback on this, we should try to broaden the public's understanding of the  
418 issue.
- 419 • K Allen said that with the increase in property taxes that we are already planning, the citizens will want a  
420 good justification for any additional expenditures.
- 421 • R Sneddon said that he thinks that the argument here is about the nomenclature. He said that it is a given  
422 that we need to bring in someone to absorb the institutional knowledge that S Bankhead has before she  
423 retires. That does not represent a permanent increase in salary costs for the city. He said that many  
424 citizens don't like the term "city manager." They would like more accountability to be on the mayor.
- 425 • K Eck said that the opposition happens because people think that hiring a city manager changes our form  
426 of government. She is confident that a city manager will pay for themselves by writing grants, bringing in  
427 commercial development, and helping the city avoid pitfalls. We are an up-and-coming city, one of the  
428 largest in the valley, and one of the few that does not have a city manager.
- 429 • K Allen doesn't think that we will be able to find someone with a lot of experience. We will probably get  
430 someone right out of college with a degree in public administration.
- 431 • Mayor Drew said that there are about 90 members of the Utah City Manager's association. Most of them  
432 have a master's degree in public administration and worked their way up through city organizations.  
433 Usually they will also have a secondary skill set that is useful to the city.
- 434 • R Sneddon asked what other skill set we need.
- 435 • Mayor Drew said that we could partially replace our city engineer if we found someone who also had  
436 engineering skills.
- 437 • S Bankhead said that she doesn't think they will have time to handle the engineering and all the  
438 management issues.
- 439 • K Allen said that if we get a city manager to do the work that S Bankhead currently does, it is likely that  
440 they will also have to work 50-60 hours a week. Should this simply be the expectation for the position?
- 441 • Mayor Drew asked what kind of background we should look for to replace S Bankhead when she retires.  
442 He said that he is looking for someone who can manage the engineering projects, not someone to do  
443 them. He said that we currently spend a lot on engineering. He would like the public works department  
444 and CRS engineers to present to the council reports on where the money is being spent.
- 445 • R Sneddon said that he doesn't know if we could find someone with the experience to do S Bankhead's  
446 job who also has the experience to manage engineering projects.
- 447 • Mayor Drew said that most city administrators have multiple skills. David Zook in Nibley is a manager and  
448 an urban planner, for example.
- 449 • B Fresz said that a city manager and a human resources person would be a good fit, and a city manager  
450 and an urban planner would be a good fit. A city manager and a lawyer might work. But a city manager  
451 and an engineer would probably not work very well, because an engineer doesn't have the time flexibility  
452 to have a second role.
- 453 • K Allen said that we need to be have solid reasoning for hiring a city manager so that we can explain the  
454 decision to the citizens.
- 455 • K Eck suggested that we have a city manager from a local city come talk to us about what they do.
- 456 • K Eck thought that the reason for the pushback about the city manager position is less about the money it  
457 will cost the city, and more about citizens who don't want the city to be managed more professionally.  
458 They would prefer the status quo because it allows them to do more of what they want. K Eck believes  
459 that there is so much more we could do if we had the resources to be more proactive rather than  
460 reactive.
- 461 • R Sneddon agrees that there is more that we could do. However, he does not believe that we can expect  
462 the city manager to pay for themselves by writing grants. He believes that the city will have to accept the  
463 extra cost of a city manager because it is in the best interest of the city overall.
- 464 • K Eck asked if we have anyone writing grants right now.

- 465 • S Bankhead said that while grants bring money, many of them also cost money. Many engineering firms
- 466 will seek out grants for their customers. She said that one of the reasons that she brought up the city
- 467 manager position to the mayor is that we can't seem to attract people for \$12/hour that stay long enough
- 468 to learn the job. With a city manager, hopefully they would already know many of the things that they
- 469 need to know to do the job. However, city managers also tend to move on after about 3-5 years.
- 470 • Mayor Drew said that some city office staff have shown initiative, and that we have given them salary
- 471 increases. It is important to keep the people who are stepping up and taking on more work.
- 472 • R Sneddon said that part of the problem may not be the lack of a city manager, but rather that our lower
- 473 level staff are not paid enough. There should be incremental salary increases so that people feel like they
- 474 are making progress. He feels that turnover at the lower levels may be 50% of our problem.
- 475 • The council decided to put the city manager position on the budget so that we can start planning for it.
- 476 • B Fresz said that there is a university that has a city manager degree that could come talk to us.
- 477 • S Bankhead spoke about other budget items. We are not proposing an increase in service fees [for the
- 478 enterprise funds] at this time. However, we would like to increase miscellaneous service fees. These
- 479 increases will not significantly increase revenue, but they will help us match the expense for each service
- 480 to the fee we collect. The secondary water budget projections are still a work in progress.
- 481 • Mayor Drew explained that we have moved the fees that we pay to both of the irrigation water
- 482 companies into a new enterprise fund for secondary water. The theory is that over time, we will put our
- 483 excess water shares to beneficial use by putting them into our secondary water system. S Bankhead said
- 484 that right now, the use of those shares is split with the culinary system because of the exchange
- 485 agreement.
- 486 • S Bankhead said that the state legislature changed the way truth in taxation proceedings are done, and
- 487 we will have to reschedule our day for the meeting. August 28<sup>th</sup> is the day that the county has available
- 488 for us, unless we want to do a Monday, in which case we can do any Monday after August 1<sup>st</sup>. In that
- 489 meeting, we can only discuss taxation and the budget.
- 490 • The council decided to schedule the meeting for August 5<sup>th</sup>.
- 491 • S Bankhead spoke about the inspector position that is included in the budget. We have budgeted it in
- 492 community development.
- 493 • S Bankhead said that we have budgeted the RAPZ money and the park impact fees towards our park
- 494 projects. We are waiting to hear about the amount of our RAPZ award. The Zollinger Park playground
- 495 equipment improvement will cost around \$45,000. We are waiting on the weather to proceed with
- 496 improvements for Hillcrest Park.
- 497 • S Bankhead suggested shifting the money and the expenses for park projects that will be delayed until
- 498 next fiscal year from the general fund into the capital projects fund, because the capital projects fund
- 499 does not have a cap on unallocated funds like the general fund does.
- 500 • B Fresz suggested aiming for 20% unallocated funds in the general fund.
- 501 • S Bankhead agreed.

502  
503 **Staff Reports:** Items presented by Providence City Staff will be presented as information only.

504 S Bankhead, Administrative Services Director

- 505 • We created two new groups for the Providence Pipeline notification service: business and home business.
- 506 We had over 100 people sign up for the Pipeline over the last month. Part of this was due to changing to
- 507 Xpress Bill Pay.
- 508 • We used to have a council workshop at the beginning of the meeting where the council members came
- 509 and sat down at a conference table and discussed things with staff. This was fairly productive and limited
- 510 the amount of interruption by the public.
- 511 • Mayor Drew said that he would like to bring in Max Pierce, city engineer, to give reports to the council.
- 512 • S Bankhead said that the referendum books have been turned in to the county. They had enough
- 513 signatures to proceed.
- 514 • Mayor Drew said that this week the council needs to discuss whether or not to challenge the referendum.
- 515 • K Allen asked about recreation fees. Are they enough to defray the cost? We have some of the finest
- 516 baseball facilities in the county, and should be able to recoup more of our costs.

- 517 • S Bankhead said that we work with other communities to do the baseball program. Those communities
- 518 have objected to raising the fees. If Providence raises the fee and the other communities do not, people
- 519 will simply sign up through the other communities.
- 520 • K Allen felt that we should consider raising the fees anyway.
- 521 • Mayor Drew asked if other communities would follow our lead.
- 522 • S Bankhead didn't think that they would.
- 523 • K Eck asked about the tournament rates.
- 524 • S Bankhead said that those were raised. Also, the competitive teams do pay for the umpire costs and for
- 525 field maintenance. We use some of the money from the competitive teams to cover the costs of the
- 526 recreation league teams.
- 527 • K Eck spoke about the Field of Angels program. It is a baseball program for the disabled. It is coming to
- 528 Ridgeline High School's field. She suggested putting it in our newsletter.

529 R Stapley, Public Works Director

- 530 • R Stapley said that having the workshop at the beginning would be good if we are going to invite M Pierce
- 531 to report.
- 532 • The irrigation water exchange pump is now operating.
- 533 • We are on the Dustbuster schedule for spraying our dirt roads.
- 534 • We got an estimate for repairing the Vactor. It was about \$14,000. We are going ahead with it. It will take
- 535 about a month.
- 536 • Mayor Drew spoke about the secondary water system rates. He reworked the rates. The new rates are
- 537 based on half of the culinary rate for water usage exceeding 10,000 gallons.
- 538 • Mayor Drew said that M Pierce has been working on an expanded secondary water system that would
- 539 mostly cover homes within the western area of the city.

541 **Council Reports:** Items presented by the City Council members will be presented as informational only; no formal

542 action will be taken. The City Council may act on an item, if it arose subsequent to the posting of this agenda and

543 the City Council determines that an emergency exists.

- 544 • B Fresz mentioned the United Way Gala that will be held tomorrow. The speaker is Sean Reyes, Utah
- 545 Attorney General.

546

547 **Motion to Adjourn:—K Allen, second — R Sneddon**

548 **Vote:**

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

550 **Nay:**

551 **Excused:**

552

553 Meeting adjourned at approximately 10:10 PM

554 Minutes prepared by Jesse Bardsley

555

556

557

558

559

560 \_\_\_\_\_

561 John Drew, Mayor

562 \_\_\_\_\_

Skarlet Bankhead, City Recorder