

1 **PROVIDENCE CITY COUNCIL MEETING MINUTES**

2 **June 11, 2019 6:00 PM**

3 **Providence City Office Building, 164 North Gateway Drive, Providence UT**

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5 Opening Ceremony:

6 Call to Order: Mayor Drew

7 Roll Call of City Council Members: Mayor Drew

8 Attendance: K Eck, K Allen, D Giles, R Sneddon, B Fresz

9 Pledge of Allegiance: Mayor Drew

10 Opening Remarks – Prayer: Kristina Eck

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12 **Approval of the minutes**

13 **Item No. 1.** The Providence City Council will consider approval of the minutes of May 28, 2019.

14 **Motion to approve the minutes:** — K Eck, second — B Fresz

15 **Vote:**

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

17 **Nay:**

18 **Excused:**

19 **Corrections:**

- 20
 - Line 217 Michelle Palmer
 - Page 6 Line 283: Remove time stamp

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

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 - Brian Craig of Providence recommends that the city have their attorney present at all council
29 meetings. This could limit potential liability for the city. The attorney can make sure that the city
30 is complying with state open meeting laws.
 - Brian Cox of Providence suggested that we have a city historian. Before the meeting, they could
31 give a “Providence Minute” and review some aspect of our history. We can learn from the past.
32 We could review early mayors and their vision for the city, etc. There are many people who
33 come from other areas, including on the council, who don’t know all of the history of the town.
34 We could be inspired by the vision of our forefathers.
 - Blair Martin asked if the candidates that are running for city council could have space in the
35 newsletter in the upcoming months.
 - Mayor Drew said that we could dedicate a page. We have 11 candidates, so it would only be a
36 few sentences per candidate. We could also wait until the primary when there are fewer
37 candidates.

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42 **Public Hearing(s):**

43 **Item No. 1. 2020 Preliminary Budgets 6:15 PM:** Prior to approving the Fiscal Year 2020 Budgets for all
44 Funds (General, Capital Project, Water, Sewer, Storm Water, and Secondary Water), the City Council is
45 holding a public hearing. The purpose of the public hearing is to provide an opportunity for anyone
46 interested to comment on the proposed budgets before the City Council takes action. The City Council
47 invites you to attend the hearing in order to offer your comments.

49 **Business Items(s):**
50 **Item No. 1. Proposed Vote.** Update on agreement between Spring Creek Water Company and
51 Providence City and authorization for legal counsel to take further action.
52 **Motion to continue item No. 1: — B Fresz, second — D Giles**
53 **Vote:**
54 **Yea: D Giles, K Eck, K Allen, B Fresz, R Sneddon**
55 **Nay:**
56 **Excused:**
57 Discussion:

- 58 • B Fresz said that the lawyers are talking, and that we should give them some time.
- 59 • Don Calderwood, former mayor of Providence, spent 14 months negotiating with Spring Creek
60 Water Company for the agreement to use water in April and October. He said that Brent Speth
61 was the catalyst to make the agreement happen. It is important that Spring Creek Water
62 Company’s water rights are honored, and that in low water years, they get first rights to the
63 water. With this understanding, the shareholders approved the agreement overwhelmingly. This
64 agreement has saved the taxpayers hundreds of thousands of dollars. The city’s source of water
65 at Broad Hollow Spring reaches the city reservoir before it reaches the mouth of the canyon. In
66 low water years, this could create problems if the city takes water first. D Calderwood said that
67 we don’t need litigation, but we do need sensible covenants to protect their rights.
- 68 • Ralph Daniels said that shareholders need to be treated equally. Spring Creek Water company
69 has nine laterals. The amount of water in each lateral is determined by the number of shares.
70 There is a certain amount of water needed in order for the water to reach the end of the lateral
71 so that all shareholders can access it. The city has applied to take water up above the laterals.
72 This decreases the water in the laterals. There were some years where, if the city had taken the
73 water above the laterals, nobody else could have watered. He would like to see the city
74 withdraw their application to the state to take their water out of the Spring Creek system.
- 75 • B Speth, President of Spring Creek Water Company, asked if the city had had contact with their
76 attorney this last week. Mayor Drew said that our attorney sent a draft agreement [relating to
77 the summer water usage]. B Speth asked if the draft included the number .42. Mayor Drew said
78 that it did. B Speth said that this is the established amount on the water gauge below which the
79 shareholders would suffer. When we are above that mark, the city can have all the water it
80 wants. But in drier years, we have seen it drop down to .36. In those years, it would be difficult
81 to allow the city to take all the water it wants. He said that article 73.3.3.5 of the state code
82 stipulates that the city cannot injure the irrigation company to the point that it cannot supply
83 water to the other shareholders. B Speth said that this agreement is a separate issue from the
84 litigation. The litigation stems from actions that were taken at the annual meeting. The city has
85 done nothing to end the litigation. The April and October agreement has operated flawlessly,
86 and to his knowledge, has nothing to do with the litigation. B Speth said that if the city would
87 listen to the water company, the issue of the agreement for the summer water could have been
88 solved already. He talked with the city about it last May.
- 89 • B Speth said that if the city proceeds with litigation, they will pay 100% of the prosecution costs,
90 and 27% of the defense costs. This might not be the best way to use city money. B Speth has
91 asked the city to drop the litigation. It is a separate issue from the agreement.
- 92 • Josh Paulsen of Providence said that he agrees with R Daniels and B Speth. J Paulsen is a
93 shareholder with Spring Creek Water Company, and he has noticed that sometimes the
94 neighbors need to cooperate in order to get the water all the way to his house. Changing the
95 situation at the headwaters could make the issue worse.
- 96 • K Allen said that the city is not trying to take water from anyone. The city would like to have
97 access to the water shares that it owns. They would also like to work together with the water

98 company to enhance the source in the canyon so that everyone can benefit. This includes
99 reducing the leakage where water is lost from the creek. The city would also like to save money
100 on pumping costs. We need to have a working relationship with the water company. He said
101 that the litigation is potentially occurring because we felt that we were being excluded as a
102 principal shareholder from information that the board was discussing. The city would like
103 transparency, and the city would like representation. K Allen said that the city felt like there
104 were delays in providing information that it requested, and delays in changing the bylaws to
105 allow representation. The city would like to be a partner in the use of the water.

- 106 • R Sneddon asked whether if we go below .42, it is impossible to provide other users with water.
107 B Speth said that if it is below .42, everyone will take a reduced amount of water. R Sneddon
108 asked if the city would get any water in this situation. B Speth said that the city would still take
109 all the water that the city's shares represent. Mayor Drew said that this is not part of the
110 agreement that was sent to him. He will want to discuss this further.
- 111 • B Speth said that this agreement is not about removing the city's shares from the distribution
112 system. It is about allowing the city to take all the water that it wants when the gauge is above
113 .42. In drier years, the water master needs to make decision about how to allocate the water.
- 114 • Mayor Drew said that the city's concern is that other than the shares that the city leases, the
115 city's shares aren't scheduled in the Spring Creek Water Company distribution system.
- 116 • B Speth said that those shares are part of the headwater needed for the distribution system.
- 117 • Mayor Drew asked to confirm whether the remaining 2/3 of the city's shares go to headwater
118 requirements.
- 119 • B Speth said that the city still makes use of those shares, even though they are needed for
120 headwater. Further down the line, the city uses them to water parks, to fill George Daines'
121 pond, etc. B Speth asked if we count those shares as part of the shares that we lease.
- 122 • S Bankhead said that we do not. We lease 90 shares. The shares that we send to the park are in
123 addition to those shares. B Speth said that we have 50 shares going to George Daines' pond.
- 124 • B Speth said that if water levels drop below .42, the city may have to reduce the amount of
125 water it takes from Broad Hollow Spring. However, there are times even below .42 that the
126 shareholders may not be using all of the water. The city and the water company can coordinate
127 the use of water during these times. B Speth said that the agreement envisions constant
128 communication between the city and the water company.
- 129 • Mayor Drew said that the water company's attorney has said that all other shareholders should
130 get their water before the city gets its water. B Speth said that this is not correct. The city is a
131 shareholder, and an important shareholder. He will correct his attorney if he is saying things like
132 that.
- 133 • Mayor Drew suggested that the company implement solutions to measure the amount of water
134 in the laterals. B Fresz has researched some low-cost solutions to measure the amount of water
135 going down a lateral. This information can be viewed on a computer.
- 136 • B Speth said that they have been working with Dave Olsen to implement some telemetry
137 solutions at the mouth of the canyon. However, they haven't made much progress.
- 138 • B Fresz said that he doesn't like the fact that we are pumping water from Blacksmith Fork
139 Irrigation Company as part of the exchange agreement while extra water is flowing down the
140 canyon.
- 141 • B Speth said that we are working on fixing that. We cannot use the excess water until it is
142 approved by the state.
- 143 • B Fresz said that he understands the situation.

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146 **Item No. 2. Proposed Vote.** The Providence City Council will consider legal action for a portion of 100
147 South between approximately 400 West and 500 West.

148 **Motion to approve legal action to remove the deed restriction: — K Allen, second — B Fresz**

149 **Yea: K Eck, K Allen, D Giles, B Fresz**

150 **Nay: R Sneddon**

151 **Excused:**

152 Discussion:

- 153 • Josh Paulsen of Providence asked why the city is seeking to remove the deed restriction.
- 154 • Mayor Drew said that it is about a strip of property that is 16 ft wide and about 800 feet in
155 length. Mark Thompson quit claimed it to himself, then quit claimed it to the city. The deed
156 restriction prohibits the street from going through. The city is seeking to remove it so that the
157 street can eventually go through.
- 158 • Mark Thompson said that he can also remove the deed restriction himself. A judge doesn't need
159 to be involved.
- 160 • Joe Chambers, an attorney representing Mark Thompson of Providence, asked how the city can
161 remove the deed restriction without using the eminent domain power. Mayor Drew said that if
162 eminent domain is the proper legal terminology, then we are using eminent domain.
- 163 • Dave Smith of Providence said that he appreciates the work of the council. However, he believes
164 that this is all one project [relating to 100 south becoming a through street]. He asked about the
165 benefits and the costs for putting 100 south through. It doesn't really go anywhere. Adding
166 another artery doesn't necessarily reduce the use of the other arteries. He was in favor of a
167 roundabout on 100 North and 200 West, and 300 South and 200 West. Adding a roundabout on
168 100 South would not necessarily enhance the flow off of the bench to the highway, or in
169 general. The money would be more effectively spent improving the traffic flow by adding the
170 roundabouts at 100 North and 300 South.
- 171 • Mayor Drew said that there are several options for the intersection of 100 South and 200 West.
172 A roundabout is one option, but it hasn't been decided yet.
- 173 • D Smith said that the roundabout on 100 North and Gateway Drive has greatly improved the
174 traffic flow.
- 175 • Mayor Drew said that we have a roundabout in our master transportation plan for 200 W and
176 100 North. The roundabout for 100 North and Gateway Drive cost more than a million dollars.
- 177 • S Bankhead said that there is also a cloud on the title for the property in question. There was an
178 owner prior to M Thompson. That ownership is clouding the title. The cloud needs to be
179 resolved, and the restriction on the deed needs to be resolved. M Thompson may be able to
180 remove both, but if not, we may have to go to a judge.
- 181 • K Eck said that our attorney said that we would need to go before the judge to remove the cloud
182 on the title.
- 183 • Dianne Calderwood of Providence asked what the cost would be for putting 100 south through.
- 184 • Mayor Drew said that we do not have an engineer's estimate yet. However, there are several
185 options. We have been setting money aside since 2017.
- 186 • R Sneddon said that he has M Thompson's letter. In his letter he said that he would personally
187 benefit financially if the city put 100 south through. Even so, he does not feel that the city
188 should spend the money to put 100 south through. In his letter he also said that in the
189 foreseeable future, if property owners develop, they would have to pay to put the road through.
190 R Sneddon said that his point in bringing up the letter is that putting the road through will
191 happen eventually. The question is whether we want the city to pay for it or a future developer
192 to pay for it. M Thompson agreed.

- 193 • M Thompson brought up ordinance number 2017-008. The ordinance says that streets shall not
- 194 exceed two blocks, which is typically 1,320 feet, without an intersection. If we want to extend
- 195 100 south, it would need another cross street.
- 196 • K Allen said that we have received legal opinion on the enforcement of that code in regards to
- 197 that block. Putting the street through would not violate that code.
- 198 • M Thompson said that he hopes we don't have to go the legal route. It is costly, and the city
- 199 could resolve the issue with him personally.
- 200 • R Sneddon reported that our attorney said that our code specifies a block, not a distance.
- 201 • K Allen said that our streets are all designed to move people between one neighborhood and
- 202 other neighborhoods. Putting 100 South through will not make it a freeway, but it will provide
- 203 other options for movement through the city. It will not ruin people's neighborhood there, just
- 204 as it hasn't ruined other people's neighborhoods where streets have gone through. Eventually,
- 205 this street will go through.
- 206 • Mayor Drew said that the resolution M Thompson referred to is referring to subdivision code. It
- 207 is for new subdivisions going in. If it were applied to all streets, many streets in the city would be
- 208 illegal, including the cul-de-sac on 100 South.
- 209 • After the vote, R Sneddon explained that he voted nay because he believes that money will
- 210 make the road go through rather than the city.

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 212 **Item No. 3. City Manager Discussion.** David Zook, Nibley City Manager, will discuss city manager
 213 positions.

- 214 • Mayor Drew explained that he invited D Zook to explain to us about the city manager position.
- 215 Last year, the council decided to consider changing the city code to allow a city manager. This
- 216 would not be a change in the form of government, but it would modify the mayor's duties.
- 217 • D Zook explained that he has worked in local government for 22 years, and at Nibley City for 7
- 218 years. He is not applying for a job here in Providence. He is neutral with regards to the council's
- 219 choice to hire a city manager. He likes his job in Nibley.
- 220 • Mayor Drew asked about the requirement that some cities have that a city manager live in the
- 221 city.
- 222 • D Zook said that there are pluses and minuses to having a city manager live in the city. If you live
- 223 there, you have to live under the rules that you promulgate. This can be an advantage. However,
- 224 if you don't live in the city, you don't have the potential of favoring neighbors. You also can
- 225 separate work time from home time. D Zook recommended that the city have no requirement
- 226 for living or not living in the city.
- 227 • D Zook explained that the PowerPoint presentation he will be showing is one that he presented
- 228 to the Utah League of Cities and Towns. It is generic information, and is not specific to
- 229 Providence.
- 230 • D Zook said that elected officials have many honorable intentions when they run for office. They
- 231 want to change legislation, make government more efficient, etc. He said that it is important to
- 232 consider what elected officials have the authority to do.
- 233 • D Zook said that a common cause of conflict in city government is not understanding the form of
- 234 government, who has what role, etc. There are two main forms of government. Providence has
- 235 the council-mayor form of government. Other cities have a council-manager form. The latter is
- 236 set up more like a corporate model.
- 237 • D Zook said that many big cities have a strong mayor form of government. Logan is one of them.
- 238 This makes the mayor very visible. However, they still have hired people in the background.

- 239 • D Zook spoke about the city manager’s code of ethics. They are supposed to give credit to the
- 240 elected officials for successes, and take blame for failures.
- 241 • D Zook explained that public administration is a scholarly field that one can study in college.
- 242 Many people misunderstand it. A Master’s in Public Administration is the standard. There is also
- 243 a credential, ICMA-CM, which can be earned after city managers have some experience.
- 244 • D Zook said that according to ICMA (International City Management Association), there are
- 245 three reasons that a council should hire a city manager: 1). The manager can focus on
- 246 implementation, while the council focuses on the big picture; 2.) The city gets professional
- 247 service from someone with education and experience in the field; and 3). It will improve
- 248 responsiveness by centralizing accountability.
- 249 • D Zook said that one of his roles is to keep the council out of trouble. He acts as an advisor to
- 250 the council. He also provides consistency. Councils come and go, but the city manager often
- 251 stays much longer.
- 252 • D Zook said that one of his goals at Nibley has been to professionalize the organization. This
- 253 helps the reputation of the city and of government in general.
- 254 • D Zook recommended that the city look for someone with 18-20 years in the field.
- 255 • D Zook said that many cities in Cache Valley already have a city manager. Nationally, more than
- 256 40% of cities with populations over 2,500 have city managers.
- 257 • D Zook recommended that the city require that a city manager be a member of ICMA and
- 258 UCMA. These organizations include a code of ethics which addresses conflicts of interests
- 259 among other things.
- 260 • D Zook said that a city manager should be politically neutral. However, they try build bridges and
- 261 connections with elected officials and members of the public.
- 262 • D Zook said that executive turnover negatively impacts organizations. Longevity in the position
- 263 is important. Stability starts with the council, because they can choose to hire or fire a city
- 264 manager. Organizations with political stability tend to keep their staff for longer periods of time.
- 265 If you hire a city manager, it is best to keep them for a while.
- 266 • D Zook said that unity and clearly defined responsibilities are important. If there is conflict
- 267 between the council and the manager, or between staff and the manger, things won’t run as
- 268 efficiently.
- 269 • D Zook said that he has brought in grant money to Nibley City that is around 10 times what they
- 270 have paid him so far.
- 271 • K Eck asked about this. She said that in a past council meeting, S Bankhead had said that it was
- 272 too hard to get grants.
- 273 • D Zook said that it is too expensive not to have a city manager. The number one issue is that
- 274 people don’t understand the role of a city manager. Would you have a corporation without a
- 275 CEO? In the same way, it is not as effective to have a city without a city manager.
- 276 • D Zook suggested writing a clear ordinance that defines the city manager’s role, and to write a
- 277 contract that allows the city to part ways with the city manager if it becomes necessary.
- 278 • K Eck asked if the Nibley city manager ordinance is a good ordinance. D Zook said that he would
- 279 not use it as a model.
- 280 • K Eck asked how much we should pay a city manager. D Zook suggested \$100,000.
- 281 • K Eck said that Nibley has done very well in general. They have great recreation programs, and
- 282 not very much drama.
- 283 • K Eck asked if the city attorney in Nibley attends all the meetings. D Zook said that they haven’t
- 284 needed him to attend very often.

- 285 • K Eck asked how easily we could find someone for the city manager position. D Zook said that
- 286 there would probably be many applicants. People may apply from other states, and even from
- 287 other countries.
- 288 • K Eck said that she would like us to be more proactive rather than reactive. A city manager could
- 289 help with that.
- 290 • R Sneddon asked if the city manager will cover human resources. D Zook said that it depends on
- 291 the size of the city. In Nibley, he handles the human resources. It can be one of the key roles of
- 292 the city manager.
- 293 • D Zook said that one of the city manager’s roles is to push the staff to be the best that they can
- 294 be. He encourages his staff to be on industry boards and to get lots of training.
- 295 • R Sneddon asked about disciplining city employees. D Zook said that he does that in his
- 296 organization. He wouldn’t recommend that city council members get involved in staff issues. It is
- 297 best not to politicize those issues.
- 298 • K Eck asked how many hours per week he works. D Zook said that he has usually works more
- 299 than 45 hours per week, but rarely more than 55 hours per week.
- 300 • K Eck asked about the turnover in Nibley. D Zook said that it is not very much. They have about
- 301 18 full time employees, and many part-time employees.
- 302 • D Zook said that the team is critical to the city manager’s success. When he got the job in Nibley,
- 303 he hired out some things that were not his specialty, such as accounting.
- 304 • K Eck asked if we should hire someone who has a master’s in city management, and not worry
- 305 about having secondary specialties like engineering, etc.
- 306 • D Zook said that there are city managers that are also engineers, attorneys, etc. It is important,
- 307 however, to not make someone do two jobs.
- 308 • R Sneddon asked how we can transfer the institutional memory to the new person. D Zook said
- 309 that in Nibley, they paid the previous city manager to consult with him as needed. This makes
- 310 things go smoother. It would be best for the new city manager to know the reasons why things
- 311 were done in the past; however, starting with a new perspective has its advantages as well.
- 312 Documenting procedures and policies in writing is important so that the transition can go
- 313 smoothly.
- 314 • B Fresz asked about the sample ordinance. He said that it seems to favor the city manager more
- 315 than the city.
- 316 • D Zook said that adjustments can be made in the contract. Also, the contract assumes that the
- 317 city manager is fulfilling their duties.
- 318 • B Fresz asked D Zook to send a sample contract.
- 319 • K Allen said that there are lots of resources that we can use to get good contract language, etc.
- 320 We don’t have to reinvent the wheel.
- 321 • Mayor Drew reported that David Church said that cities with city managers are run more
- 322 efficiently and are more likely to avoid legal issues.
- 323 • Mayor Drew said that the hardest part will be finding the best candidate. It could be
- 324 overwhelming to sift through the choices.
- 325 • Mayor Drew asked if the candidate should be from Utah.
- 326 • D Zook said that he feels that this is not necessary. Most of his skills were transferrable from
- 327 California to Utah.

329 **Item No. 4. Resolution 017-2019 Tentative Budget.** The Providence City Council will consider a
 330 resolution approving the tentative budgets for all funds for Fiscal Year 2020.

331 **Motion to approve resolution 017-2019 Tentative Budget: — R Sneddon, second — K Eck**

332 **Vote:**

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

334 **Nay:**

335 **Excused:**

336 Discussion:

- 337 • S Bankhead said that we are setting up a budget so that we have something to operate on for
338 July and August before the Truth in Taxation hearing. During July and August we can fine-tune
339 the budget.
- 340 • S Bankhead said that the budget does anticipate a significant property tax increase. The majority
341 is going towards the fire contract. About 1/3 is going to salaries, wages and benefits to add the
342 city manager position and a code compliance/inspection staff member. We won't know the
343 exact amount of the tax increase until the county gives us the tax rate summary. We will submit
344 our proposed tax increase, and then the county will tell us how it will affect the average
345 person's tax. We are allowed to do a budget for July and August before the Truth in Taxation
346 hearing so that we can operate until we receive the information that we need to do the hearing.
- 347 • S Bankhead said that the budget also anticipates completing some of the construction projects
348 we started this year and starting some projects that we have scheduled. The 500 South project
349 from Main Street to 200 West is one of these. S Bankhead said that a rate study for each of the
350 enterprise funds has been added to the budget for \$12,000 each.
- 351 • S Bankhead said that the Truth in Taxation hearing will be advertised soon. The timing of the
352 hearing is what determines when we can pass the tentative budget.
- 353 • S Bankhead said that we will have a public hearing at the next council meeting to close the 2019
354 budget.
- 355 • S Bankhead said that we advertised for bids for the cemetery expansion. The meeting is this
356 week. The money for that project will move to the 2020 budget. We are still trying to get the
357 Hillcrest Park bidding underway. That money will probably move forward to 2020 as well.
- 358 • S Bankhead said that in the capital project fund budget we have money for both the spring creek
359 crossings, and anticipated improvements along 100 south. There is \$700,000 for road
360 construction projects that we moved from the 2018 budget. That is proposed to be allocated to
361 the 2020 budget.
- 362 • S Bankhead said that we got our estimate back on our traffic master plan. It will go to the 2020
363 budget. We also have the 40 year water plan ready. We can begin allocating funds for it.
- 364 • S Bankhead said that she and Mayor Drew spoke with someone from the state about RDAs
365 (Redevelopment Agencies) and financing capital projects with them. Our current law firm is the
366 elite law firm for creating RDAs.
- 367 • B Fresz asked about our plans for not exceeding 25% unrestricted money in the general fund. S
368 Bankhead said that we are planning for about 15-18%.
- 369 • Mayor Drew said that the property tax increase will be about a \$175 increase in property taxes
370 [for an average household].
- 371 • K Allen noted that this is just the city's portion of property taxes. We don't know what the
372 county or school districts will do. We should make sure that the residents know about this.

374 **Item No. 5. Resolution 016-2019 Retirement Policy.** The Providence City Council will consider for
375 adoption a resolution amending Providence Personnel Policy Section 9 Retirement Policy defining
376 certain positions that have the right to exempt from retirement coverage under Tier 1 or from Defined
377 Contribution (DC) vesting requirements under Tier 2.

378 **Motion to approve Resolution 016-2019 Retirement Policy: — B Fresz, second — K Allen**

379 **Vote:**

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

381 **Nay:**

382 **Excused:**

- 383 • S Bankhead said that this allows employees in qualified positions to choose to be exempt from
384 participation in URS. Currently, they cannot. The number of exempt positions cannot be more
385 than 10% of retirement eligible employees. A law was passed that requires us to designate at
386 least one position that can exempt out. They must be non-merit positions. This only leaves a few
387 positions.
- 388 • K Eck asked why someone would want to be exempt. S Bankhead said that there are several
389 possibilities. They may already have a retirement pension, etc.

390

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

- 392 • Mayor Drew explained that he asked Max Pierce, city engineer to report once per month on the
393 projects that he and his team are working on.
- 394 • Mayor Drew said that we are considering moving staff reports to the beginning of the meeting.
- 395 • K Eck said that staff reports have information that the community should hear about. If the
396 reports were given at the beginning of the meeting, more members of the community would
397 hear them.
- 398 • K Allen said he likes the idea, but he doesn't think we should allow public comment on staff
399 reports. That would extend the meetings too long.
- 400 • B Fresz proposed that we do staff reports and then have the public comment portion of the
401 meeting afterwards.

402 **Max Pierce, City Engineer:**

- 403 • There is a pre-bid meeting on the cemetery on Thursday. The area in the southeast corner of the
404 cemetery is the area that is getting developed in this phase. There is another phase to the north
405 of that. The design includes adding curb and gutter on the south side of the cemetery where it
406 currently doesn't have it.
- 407 • K Allen asked about the natural slope on the southeast corner. M Pierce said that it will be re-
408 graded.
- 409 • K Allen asked if we have plans to put in a new sign on the southeast corner. M Pierce said that it
410 has not been discussed. K Allen felt that it should be considered because we only have one other
411 good sign. S Bankhead said that there will also be a new entrance to the cemetery on 1000 East.
412 The county has agreed to work with us on that.
- 413 • M Pierce said that there will be approximately 328 new spaces in the first phase, and more than
414 that in the second phase.
- 415 • K Allen asked about the property to the north. Mayor Drew said that he talked with Mayor
416 Rasmussen. River Heights City Council has not made a decision yet. If we do get that property,
417 we would want it to be phase 2 of the expansion. We might want that side of the cemetery not
418 to have a public entrance so that the street that is there doesn't get large amounts of traffic.
- 419 • K Allen asked about the reservoir on the Checketts property. M Pierce said that it is currently on
420 hold while we wait to get the easements through the Stevenson property. They are at the title
421 company right now. Next, they will go to the property owners for their signature.
- 422 • M Pierce spoke about the zone 1 reservoir. We are working on a lot line adjustment with the
423 Liechtys.
- 424 • K Allen asked if we have talked about drilling another well. M Pierce said that we have talked
425 about it, but we are not currently working on it. If we do a test well first, it will need to be self-
426 funded.

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- M Pierce spoke about the Spring Creek West Crossing. He said that we are in the process of getting slope easements. S Bankhead said that she needs to send the updated language to the title company.
 - M Pierce asked if the owner of the property is considering selling it. Mayor Drew said that they are. M Pierce said that we should try to get the easements in place before the sale.
 - Mayor Drew explained that the CCID charter school, which is near to the crossing, may purchase the building and land from the Boyer Company.
 - S Bankhead explained that they would prefer to purchase the building and land rather than continue to lease from the Boyer Company.
 - K Allen asked about the Welcome to Providence sign that is in that area. Mayor Drew said that he sent some Eagle Scouts to talk to the owners about moving it. The owners were not interested.
 - R Stapley said that the sign may not be ours.
 - K Eck asked about options for 100 South. M Pierce said that they are waiting to hear from the council. Options were presented about a month ago.
 - S Bankhead said M Pierce’s team gave us a picture that showed the existing right of way and a 66 ft right-of-way.
 - Mayor Drew said that when we talk to the property owners, we will want to have multiple options to discuss.
 - Mayor Drew asked about grant money for a roundabout at 100 South 200 West. M Pierce said that he doesn’t think the county would support that. They probably would not want a roundabout on their road. Mayor Drew asked about a spot grant. S Bankhead said that they are only for \$200,000 so it would not cover the full amount.
 - Mayor Drew asked about the intersection of 100 North and 200 West. Putting a roundabout there has been on our transportation plan for a long time. S Bankhead said that the county doesn’t show a roundabout there in their plan, but it is an eligible street. They will consider the data they have and rank the projects by priority. Putting a roundabout there may still be many years in the future by the county’s planning.
 - K Eck asked what we would need in order to be ready to present options to the homeowners. M Pierce said that they will mostly be interested in the road right-of-way. There are a few options that we have considered. One option aligns the road with the intersection with 200 West, and therefore takes more property from those on the north of 100 South. The other option is pushing it as far south as it could possibly go. M Pierce suggested another option that attempts to line up the roadways rather than the right-of-ways. There is a large right of way east of 200 West. We could move that roadway slightly to the south within the right of way so as to line up more with the west side.
 - K Eck asked whether we should do a sidewalk on one side only. M Pierce said that we can look at options, but currently he has been directed to plan for the normal 66 ft right-of-way.
 - Mayor Drew said that the council will want to consider which option costs the city the least, and which option impacts the property owners the least.
 - M Pierce said that the city has already set the road position on the west end of 100 south [near 400 West]. Property owners have dedicated land in that area according to that alignment. It would be wise to stick with that alignment. The main issue we have to decide is the intersection at 200 West.
 - K Eck asked what the council and staff think about a street with sidewalk on one side only. R Stapley said that he likes our normal street cross section with the 66 ft right-of-way, but he is willing to consider options. K Eck said that it would help with the proximity to the garage on the Pedersen’s property.
 - M Pierce said that if we are willing to consider a right of way less than 66 ft, there are many

- 476 more options. Even if we build a smaller roadway within a standard right of way, however, it will
 477 still impact adjacent buildings. The right-of-way is what we need to adjust.
- 478 • K Eck asked about shifting the right-of-way to the south. She said that it would make it easier on
 479 the property owners like the Pedersen's and the property owners east of 200 West. She doesn't
 480 think that there will be a lot of traffic travelling along 100 South that will be affected by the
 481 misaligned intersection.
 - 482 • B Fresz said that he is worried about setting precedents by making exceptions to road standards.
 - 483 • M Pierce said that he thinks that it is wise to the keep the 66 ft right-of-way.
 - 484 • M Pierce spoke about the southwest sewer master plan. He met with the land owners. We are
 485 at a point where the city council has to decide what they want to do. We need to look at funding
 486 options.
 - 487 • Mayor Drew said that he spoke with attorney Craig Smith. We can create a CRA (Community
 488 Reinvestment Agency) that can help with funding the sewer in that area. S Bankhead said that
 489 we first need to create a redevelopment agency (RDA). Mayor Drew said that we can then do
 490 tax incremental financing. This involves making an arrangement with the other taxing agencies
 491 that have the authority to tax the parcels in question. The city will make improvements and pay
 492 for them with the increase in tax money that results from the improvements. The other tax
 493 agencies will agree to not take their portion for a certain amount of time.
 - 494 • S Bankhead said that the agencies may agree to this because if the city does not improve the
 495 land, the property tax they are getting from it will continue to be minimal.
 - 496 • M Pierce spoke about the 500 South water line project. An advertisement for bids will be
 497 running in the newspaper on Saturday. Mayor Drew noted that this is a water project, but we
 498 will put in new asphalt. We will also standardize the width.
 - 499 • M Pierce spoke about the storm water drain line on Spring Creek Parkway at 300 East. We need
 500 to continue it to the west side of 300 East, but some power lines are in the way. M Pierce and R
 501 Stapley met with the power company. If their lines are in a private easement, then we will have
 502 to pay to move them. Or, we can move the drain line to the center of the road and pay the
 503 additional cost to tear up the asphalt.
 - 504 • D Giles asked if we have resolved the Bickmores' complaints. R Stapley said that we have
 505 decided that the Bickmores are not interested at this time in working with the city as far as right
 506 of way changes or easements. This means that we may have to tear up the asphalt depending
 507 on what happens with Rocky Mountain Power.
 - 508 • Mayor Drew brought up the rate studies for the enterprise funds. M Pierce said that the storm
 509 water system is at a point where we could do a rate study. The sewer system may be as well,
 510 but there are some unknowns in the southwest corner as was discussed earlier. The water
 511 system is also ready.
 - 512 • Mayor Drew said that we are underfunded on all of three of these enterprise funds. It has been
 513 many years since we have done rate studies.
 - 514 • B Fresz said that he would like to do all the rate studies simultaneously. M Pierce said that we
 515 could do that but that there is no advantage to it.
 - 516 • M Pierce said that the storm water master plan is ready for implementation.
 - 517 • S Bankhead that we need to have discussions about the secondary water system. She said that
 518 these discussions would not involve asking any more of the irrigation companies than we have
 519 already asked. These are discussions of how we could better facilitate storage of the irrigation
 520 water that we already have.
 - 521 • Mayor Drew said that next time we will do staff reports at the beginning of the meeting.
- 522 R Stapley, Public Works Director:
- 523 • Mayor Drew asked about sewer line infiltration. R Stapley said that last year we found two
 524 sewer sump pumps in the city. We ran the camera this year and found that they were not

525 pumping into the sewer system. Twin D is working on cleaning and putting cameras in our sewer
526 system. We will keep in contact with them about what they are finding.

- 527 • Mayor Drew asked if we are asking them to identify infiltration. R Stapley said that the report
528 that they will give us will have all of those details. Once they are done, we will use other
529 companies to fix the infiltration.
- 530 • R Stapley said that we don't know of any homeowners who are pumping into the sewer system
531 currently. However, water tables have risen, so some probably are.
- 532 • Mayor Drew said that by the end of the season, he would like to be able to say that we have
533 fewer residences pumping into the sewer system than before.
- 534 • R Stapley said that we are short a street staff. We do have a temp, however.
- 535 • R Stapley said that we will be doing work on Hwy 165 and 1700 South. Traffic will be restricted. S
536 Bankhead said that we sent a public service announcement to be broadcast on the radio.
- 537 • R Stapley said that we are working with the county on our chip and seal project. We have a few
538 streets that we are tentatively planning to do. R Stapley said that he and J Hamblin consult
539 about which streets need HA5 and crack seal. We also have Holbrook Asphalt coming in to work
540 on joint repair, crack seal repair, and HA5 preventative maintenance. We could use HA5 on
541 many of our new roads.
- 542 • K Allen brought up Canyon Road and 480 East. R Stapley said that Canyon Road is definitely on
543 the crack seal list.
- 544 • K Allen said that he observed Jensen Cabinetry dumping lots of cardboard at our cardboard
545 dumpsters by the public works building. These dumpsters are meant for residents, not
546 commercial businesses. K Allen will go talk to them.
- 547 • R Stapley reported that he met with Logan City Environmental about the enforcement on the
548 recycle bins. Our deputies have been hesitant to write citations because of the lack of proper
549 signage on the cans. Logan City has put new stickers on the cans that should fix the problem.
- 550 • S Bankhead said that state code specifies how the bins need to be marked.
- 551 • Mayor Drew spoke about flood irrigating. There are some that take all of the water that their
552 share represents even if it overflows and runs down the road. This has caused damage to R
553 Powell's development.
- 554 • R Stapley said that the flood irrigation causes many issues. Many people have done it for so long
555 that they feel like they have a right to do so.
- 556 • R Stapley spoke about Hillcrest park. We have the irrigation plans. We will soon have the bid
557 packet ready. LeGrand Johnson Construction will finish their part of the grading soon.
- 558 • R Stapley said that J Hamblin has been practicing with the road shoulder machine. It needs a few
559 tweaks.

560 S Bankhead, Administrative Services Director

- 561 • S Bankhead explained that there will be a primary election. We have 8 candidates for the 4 year
562 terms, and 3 candidates for the 2 year term. The mail ballots for the primary need to be mailed
563 out July 23 or a few days before. Because of the breaches that were found in election security at
564 the federal level, the county can no longer allow us to use the program that allows us to look up
565 the names of voters. The county will send someone to verify signatures. We will have to pay
566 them.
- 567 • Mayor Drew said that Hyde Park has a caucus, not a primary. S Bankhead said that there are
568 some advantages to a caucus.
- 569 • S Bankhead said that we will be getting a new neighbor in the same parking area as the city
570 office. Mortensen Dental will be moving in.
- 571 • S Bankhead said that we have submitted all of the parts of the general plan to the consultants.
572 They will give us a draft by next week. Once we get that draft, we can schedule the planning
573 commission to hold a public hearing. Then it can go to the council.

- 574 • B Fresz said that if we take the new traffic speed measurement signs and place them in the right
575 places, we can get some good data on traffic flow.
576 • K Eck asked about RAPZ money. S Bankhead said that we got about \$70,000 towards new pickle
577 ball courts, but they only gave us about \$30,000 towards the lighting projects. We are going to
578 put out advertisements for bids for the lighting project anyway.
579
580

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

- 584 • K Eck felt that candidates should be allowed to put something in the newsletter before the
585 primaries. Mayor Drew said that we could do it in July or August. K Eck said that we should do it
586 in August. Mayor Drew said that he will send a note to the candidates about it.
587 • D Giles spoke about GIS for the sewer. He went to the county and found that they have good
588 prices for getting it done. We could contract to have them do it.
589 • K Eck asked if C Wooley was working on writing a first right of refusal contract for the Dale
590 Thompson property on 1000 South. Mayor Drew said that he will write it.
591 • Mayor Drew reported that he attended the Logan City Wastewater Rate Setting Committee
592 meeting. They toured the new treatment facility project.
593 • Mayor Drew reported that he attended the Commission on Housing Affordability. Jim Wood was
594 one of the speakers. One of the projects they are working on is doing a study that looks at
595 higher density multi-family developments to see if there is an impact on home prices in the
596 neighborhood. The results will come back in November. J Wood says that he has not found any
597 studies in other states that indicate that multi-family housing has any impact on home values.
598 • Mayor Drew asked the council what they would like to accomplish while this council is in office.
599 • K Allen said that we should move forward on the city manager position so that we can hire the
600 person before the next council comes in. He said that we should discuss the proposed ordinance
601 that Mayor Drew put together at the next council meeting.
602 • B Fresz said that he liked the sample ordinance that D Zook brought up earlier.
603 • K Allen said that we should also move forward on the Chugg property.
604 • K Eck said that in regards to a city manager position, we have a job that we need to get done. It
605 is why we were elected.
606 • Mayor Drew agreed. He said that when this issue came up three years ago, some residents were
607 concerned about hiring a city manager who did not live in the city.
608 • R Sneddon brought up language in the sample ordinance that seemed to suggest that the
609 adoption of a city manager ordinance should eventually go before the voters as a referendum.
610 • Mayor Drew said that the plan is to discuss the ordinance on June 25th and vote on it on July 9th.
611 • K Eck asked about the Chugg property. Mayor Drew said that the developer has not filed with
612 FEMA yet to get permission to put in the crossing. [Originally, the developer said that
613 construction would begin in phase 1.] Now they are trying to push the crossing to phase 2. We
614 had thought that they would have filed it 6 weeks ago.
615 • K Allen said that another issue we should finish before the next council comes in is 100 South.
616 • Mayor Drew asked how we can get vested so that the next council can't back the city out.
617 • S Bankhead said that we would need to put it out for bid and award it to a contractor.
618 • K Eck asked what we need to do to make that happen. She said that she is in favor of the first
619 option for the road [which would have the right of way focused on the south]. S Bankhead said
620 that the first step is to clear the title. In the meantime, we could look at which option we want.
621 We could get an appraiser involved if we will need to acquire property.

- 622 • Mayor Drew said that if we could start land acquisitions, we would be far enough along.
- 623 • R Stapley said that M Pierce does not like to do detailed road engineering work until property
- 624 acquisition and rights of way are set. R Stapley said that in his experience, the land acquisition
- 625 can take a very long time.
- 626 • K Eck asked if we can pick the design at the next council meeting.
- 627 • R Sneddon asked if there is any need to proceed quickly on this project. He believes that it will
- 628 happen on its own when developers come through.
- 629 • Mayor Drew said that we can only make a developer pay for the road that fronts their property.
- 630 • Mayor Drew said that construction costs might be higher in the future. Also, this issue has been
- 631 postponed needlessly for some time.
- 632 • R Stapley said that he likes the option that M Pierce proposed that takes equally from the north
- 633 and south side.
- 634 • B Fresz said that we should try to deal with the Spring Creek Water Company issue before the
- 635 next council comes in, as well.
- 636

637 **Motion to adjourn: — K Eck, second — R Sneddon**

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

639 **Nay:**

640 **Excused:**

641 Meeting adjourned at approximately 10:50 PM

642 Minutes prepared by Jesse Bardsley

643 Approved by vote of the council on June 25, 2019

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647 _____
648 John Drew, Mayor

Skarlet Bankhead, City Recorder