

1 **PROVIDENCE CITY COUNCIL MEETING MINUTES**

2 **August 27, 2019 6:00 PM**

3 **Providence City Office Building**

4 **164 North Gateway Drive, Providence UT**

5  
6 **Opening Ceremony:**

7 Call to Order: Mayor Drew

8 Roll Call of City Council Members: Mayor Drew

9 Attendance: John Drew, Kirk Allen, Kristina Eck, Brent Fresz, Dennis Giles, Roy Sneddon

10 Pledge of Allegiance: Mayor Drew

11 Opening Remarks – Prayer:

12  
13 **Staff Reports:** Items presented by Providence City Staff (including but not limited to: City Engineer, City Attorney,  
14 Public Works Director, and Administrative Services Director) will be presented as information only.

15 R Stapley, Public Works Director:

- 16 • The sweeper broke down. We got most of the chips swept up, but there is still more to do. We have been  
17 using the Kubota to sweep up some of the chips while we wait for the sweeper to be fixed. It should be  
18 fixed in about two weeks.
- 19 • We have been working on the crosswalks. It takes longer to put the hot tape down, but it is saving us  
20 money because we won't have to replace them every year. We are expecting a 6-7 year life for the hot  
21 tape product. We have more hot tape coming, such as for the stencils on the roundabout, turn arrows on  
22 Gateway Drive, etc.
- 23 • R Stapley brought up Cherry Wood subdivision on 540 S, 580 S, and 75 W. The sidewalk and curb and  
24 gutter are in bad shape. There are trip hazards at nearly every lot within the subdivision. We have had a  
25 few bids to fix the worst of the worst in that area. The cost is large. Also, once a concrete crew goes in,  
26 every neighbor will want to know when it is their turn to be repaired. It is hard right now to find someone  
27 to do the work, because repair work is more difficult and is not as lucrative as new installation. R Stapley  
28 said that he is also considering removing the old concrete in a section of the subdivision and putting down  
29 new concrete. This is even more expensive, however.
- 30 • Mayor Drew asked which contractor R Stapley has been speaking with. R Stapley said that he has been  
31 speaking with Moses Concrete [and Brent Wright Construction]. He has called a few others.
- 32 • The water main on 600 E between Providence Estates and Hillsborough is complete. The fire flows should  
33 have improved greatly in that area, as well as water quality. There are also three areas where the  
34 subdivision wasn't built to a decent standard back in 1984. The developer will be doing asphalt work in  
35 those areas soon.
- 36 • K Allen asked if those areas are our responsibility or the developer's. R Stapley said that it is a historical  
37 dilemma to determine whose responsibility it was, but the developer stepped up and took responsibility.
- 38 • R Stapley spoke about the 500 South water line project that was awarded to Staker Parsons. At the  
39 preconstruction meeting, R Stapley was told that Ormond Construction (subcontractor) would be  
40 mobilizing in two weeks. They still haven't mobilized. R Stapley has contacted them several times, and has  
41 not gotten any responses. The new project manager now says that they are mobilizing on September 16.  
42 They could still get it done before the cold comes in, but it is dependent on the weather.
- 43 • K Eck asked about the price differences for the other bidders. R Stapley said that the next bidder after  
44 Staker Parson's was Ormond [which is now the subcontractor for Staker Parsons]. K Eck said that we  
45 should remember this delay next time we get bids.
- 46 • Our Vactor truck is in the shop for electrical issues.
- 47 • The Hillcrest park north fence is about half installed. We have advertised for the bidding [for the  
48 landscaping and irrigation]. Bids will be accepted until September 9<sup>th</sup>. They will have to get moving on it  
49 soon so that the sod can get its roots set in before winter. The completion date is October 18.
- 50 • K Allen said that the "No Outlet" sign on 470 East is no longer valid. R Stapley said that we will remove it.
- 51 • K Allen asked about 400 East from 1000 S to Millville. Is the place where the asphalt stops the county line  
52 or Providence line?
- 53 • R Stapley said that we will be asphaltting to the end of the white vinyl fence on the Providence side. He has  
54 talked with the Millville public works director about using the same contractor to asphalt it all the way

- 55 through. That will be up to their city council.
- 56 • K Allen asked about the light poles at the elementary school [softball field]. R Stapley said that there has
- 57 been some issues with the timeline, but they are making progress. The boring crew caused them some
- 58 delays.
- 59 • S Bankhead said that the poles have all been installed. We are using some existing poles [as well as the
- 60 two new poles]. The lights have already been installed on them.
- 61 • K Allen asked about what people are doing behind Chad Checketts property with dump trucks. K Eck said
- 62 that C Checketts sold the parcel to a neighbor.

63 S Bankhead, Administrative Services Director:

- 64 • We are working with Gary Stevenson’s secretary to get the easements across his property.
- 65 • Flag football is starting. Our numbers have gone up.
- 66 • Mayor Drew said that our participation levels in all recreation programs have gone up.
- 67 • Our City Celebration is coming up on October 12.
- 68 • We received the certification on the Community Reinvestment Agency from the Lieutenant Governor. We
- 69 can now move forward on creating bylaws, etc. [This comment was added after Business Item No. 1].
- 70

71 **Approval of the minutes**

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

73 **Motion to approve the minutes of August 13: —K Eck, second — R Sneddon**

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

75 **Nay:**

76 **Abstained:**

77 **Excused:**

78 Line 142: Meaning ~~meeting~~

79

80 **Public Comments:** Citizens may appear before the City Council to express their views on issues within the City’s

81 jurisdiction. Comments will be addressed to the Council. Remarks are limited to 3 minutes per person. The total

82 time allotted to public comment is 15 minutes. The City Council may act on an item, if it arose subsequent to the

83 posting of this agenda and the City Council determines that an emergency exists.

- 84 • Jeanell Sealy of Providence asked if we are planning to install safety padding on the polls at the
- 85 playground.
- 86 • S Bankhead said that we haven’t put padding on any polls, but we can look into it.
- 87

88 **Public Hearing(s):** None

89

90 **Business Items(s):**

91 **Item No. 1. Primary Election Canvass:** The Providence City Council, acting as the Board of Municipal Canvassers,

92 will canvass the returns of the 2019 Primary Election.

93 **Motion to accept the primary election canvass for 2019: — B Fresz, second — D Giles**

94 **Vote:**

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

96 **Nay:**

97 **Abstained:**

98 **Excused:**

- 99 • S Bankhead explained that the process of counting was a bit different this year. Election security has been
- 100 increased due to national issues with election meddling. Instead of doing the scanning ourselves, the
- 101 Cache County sent someone to scan and verify the signatures. After the ballots were scanned, our staff
- 102 counted them. Diane Campbell, Kris Hobbs, and Kate Groll were the counters.
- 103 • S Bankhead read the totals from the official count. We had about 36% voter turnout. This is low compared
- 104 to where we are usually at.
- 105 • S Bankhead said that all provisional ballots were verified. There were 3 [standard] ballots that we were
- 106 not able to verify and were therefore uncounted. We had 11 ballots that were postmarked after August
- 107 12 and were not able to be counted. This number of uncounted ballots would not have impacted the

- 108 outcome.
- 109 • Mayor Drew asked what the highest voter turnout S Bankhead can remember is. She said approximately
- 110 49%.
- 111 • B Fresz noted a typographical error in the precinct numbers. There are two precincts labeled as PRO 01 in
- 112 several of the tables [the second should be labeled PRO 02].
- 113

114 **Item No. 2. Resolution 029-2019 Planning Commission Alternate:** The Providence City Council will consider for

115 adoption a resolution appointing Kathleen Alder as an alternate member to the Providence Planning Commission.

116 **Motion to accept the resolution to appoint Kathleen Alder as a planning commission alternate: — K Allen,**

117 **second — R Sneddon**

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

119 **Nay:**

120 **Abstained:**

121 **Excused:**

- 122 • K Alder said that she has a great deal of experience in serving the community. She would like to do more.
- 123 She is interested in building collaborative relationships between businesses, industry and public entities.
- 124 She said that she is interested in making sure that we have simple and effective rules. It is her goal that
- 125 Providence citizens work together toward improving the city.
- 126 • R Sneddon asked K Alder to think about 20 years in the future. How does she see green space [in the
- 127 city]? How would we get there?
- 128 • K Alder said that we should follow the rules outlined in the general plan.
- 129 • R Sneddon asked how she feels about density.
- 130 • K Alder said that we need to be careful about density. We want to make it possible for people to live here,
- 131 but we don't want high rise apartment buildings. We also need to be sensitive about the infrastructure
- 132 and how our taxes are meeting those needs.
- 133 • B Fresz asked if she has any conflicts of interest.
- 134 • K Alder said that she is not a developer, but she does own land. She has interest in the land that Macey's
- 135 is located on.
- 136 • K Allen said that we received a letter from Don Calderwood cautioning us about conflicts of interest that K
- 137 Alder may have. However, he said that we should not restrict someone from public service simply
- 138 because they own property or are in a certain business.
- 139

140 **Item No. 3. Ordinance No. 2019-015 City Code Amendment:** The Providence City Council will consider for

141 adoption an ordinance amending Providence City Code Title 1 Chapter 7 Officers and Employees to reflect changes

142 in Utah State Code.

143 **Motion to accept ordinance No. 2019-015 City Code Amendment: — R Sneddon, second — B Fresz**

144 **Vote:**

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

146 **Nay:**

147 **Abstained:**

148 **Excused:**

149 **Comments:**

- 150 • S Bankhead said that Utah Local Governments Trust put a theft and crime insurance rider in their list of
- 151 available products. The Trust thought that this would replace the need for bonds. There was a man who
- 152 didn't agree with this, and he used GRAMA requests to fight it. He has sent hundreds of records requests
- 153 on this particular issue. Unfortunately, most of his requests were frivolous. However, it did get the state
- 154 legislature to act on this issue and mention theft and crime insurance specifically in their code. Now that
- 155 we have this insurance option, it can save us \$2600 on the treasurer's bond. This ordinance allows us to
- 156 do that.
- 157 • The state legislature also changed state code so that the city treasurer and city treasurer don't have to be
- 158 reappointed after every election. This ordinance also covers that.
- 159 • K Allen brought up the capitalization of "city treasurer" and "city recorder" in the ordinance. We should
- 160 be consistent in our capitalization.
- 161

162 **Item No. 4. Resolution 030-2019:** The Providence City Council will consider for adoption a resolution approving an  
163 agreement with Spring Creek Water Company to use shares owned by Providence City that have been designated  
164 for municipal use in the City's culinary water system.

165 **Motion to approve resolution 030-2019 with any future non-material changes accepted, and 5.33 cubic feet per**  
166 **second replacing the number .42 within the agreement:** — R Sneddon, second — K Eck

167 **Vote:**

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

169 **Nay:**

170 **Abstained:**

171 **Excused:**

- 172 • B Fresz said that he has a problem with the number .42. It is not a flow rate. He would like it to be a flow  
173 rate, such as cubic feet per second, etc.
- 174 • B Fresz asked how wide the weir is at the canyon.
- 175 • R Daniels said that it is a 6 ft weir.
- 176 • B Fresz said that this equals 5.33 CFS. R Daniels said that this is correct. B Fresz would like this to be in the  
177 agreement [instead of .42].
- 178 • R Sneddon agreed. He said that we could also say "[5.33 CFS] as presently indicated by a weir reading of  
179 .42."

180  
181 **Council Reports:** Items presented by the City Council members will be presented as informational only; no formal  
182 action will be taken. The City Council may act on an item, if it arose subsequent to the posting of this agenda and  
183 the City Council determines that an emergency exists.

- 184 • B Fresz said that he would like the city to prepare a request for a proposal for fiber installation. The results  
185 we have gotten from the survey [for UTOPIA] are overwhelmingly positive. B Fresz will ask the  
186 representatives from UTOPIA to come present to us on the second council meeting in September [the  
187 24<sup>th</sup>].
- 188 • Mayor Drew said that he is trying to gather further information on rate studies, reserves, etc. He gave the  
189 council members a worksheet so that they can give the information some thought.
- 190 • Mayor Drew said that he found an example of a set of bylaws for the Community Reinvestment Agency  
191 (CRA). Our next step is to create the bylaws and to create an interlocal agreement between the city and  
192 the CRA.
- 193 • Mayor Drew said that we have received eight resumes for the position of city manager. Many are very  
194 well qualified. Our deadline for applications is September 13. We have one application from within the  
195 state. We will be doing interviews electronically.
- 196 • B Fresz asked how it is being advertised. Mayor Drew said that it is being advertised through the  
197 Government Finance Officers Association, the International City Managers Association, the Utah City  
198 Managers Association, the Utah League of Cities and Towns, and Workforce Services.
- 199 • Mayor Drew said that we are tentatively planning to have a workshop on September 30<sup>th</sup> where the  
200 council can interview the final candidates. We are hoping to extend an offer by the 15<sup>th</sup> of October with a  
201 start date of December 2<sup>nd</sup>.
- 202 • K Allen asked if there is some way to involve those who will be elected for the new city council in the  
203 selection process. If they are not involved, they may push back against the new city manager when they  
204 come into office.
- 205 • Mayor Drew said that we will do [the interview] workshop in an open meeting. We will invite comments.
- 206 • R Sneddon asked if the candidates for the city manager position have been informed that they will have to  
207 make a decision [to accept the offer] before election day in November. He feels that this is important for  
208 them to know.
- 209 • Mayor Drew said that we will advise them that there is a deadline.
- 210 • Mayor Drew said that the COG Grant Executive Committee will be meeting September 4<sup>th</sup>. Mayor Drew is  
211 part of the committee. They will be screening the grant applications. One week later the full committee  
212 will meet to discuss the applications.

213  
214 **Staff Report Continued**

215 M Pierce, City Engineer:

- 216 • West Spring Creek Crossing: S Bankhead said that the appraiser requested that we include the
- 217 construction wording. We have emailed that to the title company, and we are waiting for the wording to
- 218 come back. We are ready with the real estate purchase contracts.
- 219 • Zone 1 tank: We haven't made any headway. We haven't decided whether we want to accept the
- 220 property adjustments or make a counter offer.
- 221 • M Pierce said that the new adjustments make the parcel quite small. We don't have the tank design yet,
- 222 but it is possible it may not work, or we might have to make the tank smaller than we would have liked to
- 223 if we accept the adjustments.
- 224 • R Sneddon asked about maintenance that encroaches on adjoining property. M Pierce said that right now,
- 225 the surrounding land is undeveloped. If it became developed, then getting in there for maintenance could
- 226 cause some damage.
- 227 • M Pierce said that he was a bit nervous with the original offer, but it is now even tighter.
- 228 • K Allen said that we should make a counter offer. Mayor Drew agreed. R Stapley agreed.
- 229 • Zone 2 water line: M Pierce said that we have had more contact with the Stevensons regarding the
- 230 easement across their property. We are close to finishing the easements. We will then have no roadblocks
- 231 for that project.
- 232 • M Pierce spoke about access management on Highway 165. We are communicating with UDOT to get the
- 233 Access Management Plan that was done for Providence, Hyrum, Millville and Nibley. We need to know
- 234 where and how frequently accesses will be allowed, and where signalized accesses will be approved.
- 235 • Mayor Drew asked about the East Spring Creek Crossing. S Bankhead said that FEMA emailed today asking
- 236 for more information.
- 237 • Mayor Drew asked if we have a purchase agreement for the West Spring Creek Crossing. S Bankhead said
- 238 that the property owners need to make some wording changes on the easement. Once we get those back,
- 239 we will get the purchase agreements ready.
- 240 • Mayor Drew asked if we will see any of the work on the West Crossing done this winter. M Pierce said
- 241 that this is a project that we could bid out late in the year, because no existing streets will be disrupted if
- 242 the project has to go on hold for the winter.
- 243 • Mayor Drew said that a developer asked about a Planned Unit Development for the west side of the
- 244 highway. The developer would like to have a narrower road width and a homeowner's association. We
- 245 are considering an amendment to city code to allow a 42 ft right of way in a Planned Unit Development.

246 C Wooley, City Attorney:

- 247 • C Wooley said that our development process, including executive staff meeting, working with the
- 248 developers, etc., works really well here in Providence. He would like to compliment S Bankhead and the
- 249 staff.
- 250 • K Allen asked if the issue with the house on the top of Hillsborough has been solved.
- 251 • C Wooley said that he believes that it is all taken care of.

252  
253 **Motion to enter executive session: — B Fresz, second — K Eck**

254 **Vote:**

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

256 **Nay:**

257 **Abstained:**

258 **Excused:**

259 Entered at approximately 7:30 PM

260

261 **Executive Session Notice:**

262 The Providence City Council may enter into a closed session to discuss pending or reasonably imminent litigation as

263 allowed by Utah Code 52-4-205(1)(c).

264 The Providence City Council may enter into a closed session to discuss professional competence or other factors

265 allowed by Utah Code 52-4-205(1)(a).

266 The Providence City Council may enter into a closed session to discuss land acquisition or the sale of real property

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

268  
269 **Motion to close the executive session: —K Eck, second — D Giles**

270 **Vote:**

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

272 **Nay:**

273 **Abstained:**

274 **Excused:**

275 Executive session closed at approximately 9:15 PM

276

277 **Motion to adjourn: —B Fresz, second — R Sneddon**

278 **Vote:**

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

280 **Nay:**

281 **Abstained:**

282 **Excused:**

283

284 Meeting adjourned at approximately 9:15 PM

285 Minutes prepared by Jesse Bardsley

286 Minutes approved by vote of the council on September 9, 2019

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288

289

290

291 \_\_\_\_\_  
John Drew, Mayor

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

292