

1 **PROVIDENCE CITY COUNCIL MEETING MINUTES**

2 **Wednesday, January 15, 2020 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: Kristina Eck, Carrie Kirk, Josh Paulsen, Jeanell Sealy, Brent Speth
10 Excused: None
11 Pledge of Allegiance: Mayor Drew
12 Opening Remarks – Prayer: Alex Bearnson

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

16
17 R Stapley, Public Works Director

- 18
- 19 • We are on-track with the budget.
 - 20 • We have used the new truck. It has been a great asset to our fleet.
 - 21 • J Sealy said that our public works department has been doing well with keeping the roads clear. We are
22 doing better than neighboring cities.

23 S Bankhead, Administrative Services Director

- 24
- 25 • S Bankhead said that we are trying a new reporting style [for city finances]. There will be summarized
26 monthly financial reports and more detailed quarterly reports.
 - 27 • S Bankhead said that as far as board and commission activity, the Council can usually check the minutes
28 on our website in order to stay up to date. If there is something important or unusual that comes up, she
29 and R Snow will let the Council know about it.
 - 30 • S Bankhead said that we are creating a page on the website where the city council can access preliminary
31 draft information before the final agenda packet is created.
 - 32 • S Bankhead spoke about the Providence Pipeline notification service. We give notifications for several
33 categories, including urgent notices, events, businesses, recreation, public works, etc. We hope that
34 everyone will at least sign up for urgent notifications.
 - 35 • J Paulsen asked how someone can manage their subscriptions to the different groups. S Bankhead said
36 that you should be able to log on and change it.

37 Ryan Snow, City Manager

- 38
- 39 • R Snow said that the master plan final draft has been sent out to the Council. It could be approved fairly
40 quickly if the Council gives their feedback. We would like to get it wrapped up in the next few months. If
41 the changes are only related to formatting, we could have it ready by the February 19th Council meeting.
 - 42 • R Snow spoke about grants. We applied for improvements related to Providence Canyon. The area to
43 improve would go from Highway 165 along 300 South and then up towards the canyon. It is a \$4.6 million
44 project, and the grant would cover 93%. The majority of the project's roads are listed in the CMPO plan.
45 There is a pretty good chance we can get the grant.
 - 46 • R Snow audited the personnel policy manual and forwarded his findings to the council.
 - 47 • We are making progress on GIS, which is a goal listed in the master plan. We have purchased a
48 subscription and linked our account with Cache County's GIS. We have added sidewalks and the zoning
49 map to the GIS. We will continue to gather data into the GIS.
 - 50 • R Snow and the Mayor have been looking into options to bring fiber optic internet to Providence. There
51 are three main options: UTOPIA, Lightspeed, or allowing the current internet companies to bring it to
52 Providence when they want to.
 - 53 • K Eck asked if the next council meeting will be February 19th. R Snow said that unless we have items for
February 5th, he is fine with only having a meeting on the 19th.

- J Paulsen said that there is an outdoor recreation grant that just opened today from the Governor’s Office. R Snow said that he is aware of that grant, but we need to do some work on our trails master plan, etc., before we are ready for that grant.
- R Snow spoke about grants for fiber optic internet. R Snow said that the grants would not work for UTOPIA, but they might work for other options.

Approval of the minutes

Item No. 2. The Providence City Council will consider approval of the minutes of January 9, 2020.

Motion to accept the minutes of January 9, 2020: — B Speth, second — C Kirk

Vote:

Yea: K Eck, C Kirk, J Sealy, B Speth

Nay:

Abstained: J Paulsen

Corrections:

- K Eck was in attendance

Item No. 1. The Providence City Council will consider approval of the minutes of December 4, 2019

Motion to accept the minutes of December 4th, 2019: — K Eck, second — J Sealy

Vote:

Yea: K Eck, C Kirk, J Paulsen, J Sealy, B Speth

Nay:

Abstained:

Excused:

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

- Mayor Drew said that if the council is going to discuss something, it needs to be on the agenda. If a Council member wants something on the agenda, they need to let the Mayor know about it. We have been working on getting the agenda packets to the council earlier so they can research the items. We usually need two weeks to get something on the agenda.
- Steve Simmons of Cache County, whose property borders Providence, asked the Council to reconsider the issue of the development on 700 South. It resulted in a partial road, which would be insufficiently wide for a major traffic corridor, which is the street’s designation in the City’s master plan. The City could avoid spending hundreds of thousands of dollars for eminent domain for widening the road by dealing with the issue now. He passed out a handout that he said describes another option for the road that would satisfy all parties. He said that it is very unlikely that a developer would be able to make a profit by buying his 1.3 acre parcel, and therefore the idea that a developer will build the other half of the road is a fantasy. He is also concerned about the fact that his property is marked as commercial on the master plan.
- Nathan Ballstaedt of Providence spoke about increasing impact fees for new residences. He said that this may be a good time to look at all of the impact fees. He thought that the city has not used all the money they have collected from impact fees for parks. Maybe the city should lower the park impact fees and raise the road impact fees so that they can spend more on roads.

Public Hearing(s) 6:15PM – Impact Fee for Wastewater Treatment Facilities: Providence intends to amend Providence City Code Title 9 Chapter 1A Impact Fees by amending the impact fee enactment for wastewater treatment facilities and adopting a Wastewater Treatment Impact Fee Facilities Plan; and approving a resolution adjusting the impact fee schedule.

- 104 • Issa Hamoud, Director of Logan City Environmental Department, said that the Council should refer to the
105 report made by the consultant for more details about this impact fee. He provided background on Logan
106 City's sewer treatment system. Local cities contract with Logan. Water quality standards have changed,
107 and Logan's lagoon system is no longer adequate. The State of Utah required them to build a new
108 treatment system. The plant cost about \$150 million. It is adequate for 18 million gallons per day, and we
109 currently treat 14 million gallons per day. Cities that currently contract with Logan have been paying for
110 the lagoon system as well as contributing money towards the new system. This money was used as a
111 downpayment, and the rest of the money was borrowed. The consultants determined that the impact fee
112 for new users of the system should be [\$2433]. This is what Logan is asking Providence to adopt.
- 113 • I Hammoud said that Logan city cannot adopt impact fees for other cities. Providence has to adopt their
114 own impact fees. Logan is aiming for an impact fee implementation date of April 1st. However, there is a
115 90 day [waiting] period between approval of an impact fee and implementation. We are already behind
116 schedule. The new facility is already under construction.
- 117 • R Snow noted that Logan city is required by its funding agency to implement an impact fee by the time
118 construction is completed.
- 119 • C Kirk asked about the April 1st deadline. I Hammoud said that we might have to push that back.
- 120 • R Snow asked if Logan has adopted an impact fee. I Hammoud said that Logan is waiting until the other
121 cities adopt theirs.
- 122 • Mayor Drew said that before an impact fee rate study can be made, we need a capital facilities plan.
123 Impact fees can only be used for increasing capacity. They cannot be used for maintenance, etc. The
124 facilities plan tells us the maximum we can charge, but we can choose to charge less. If we charge less [for
125 the sewer], the city will absorb the difference [between what Logan is charging and what we charge].
- 126 • Mayor Drew explained that a previous Council charged less for road impact fees than they could have.
127 The outside firm said that we could charge \$3368, but the council decided to charge \$500 instead.
- 128 • B Speth asked if the impact fee must come before the Council again if it is adjusted. There is a clause in
129 the ordinance that says that it can be adjusted.
- 130 • I Hammoud said that it would go to the rate setting committee and then to the Council. There are many
131 reasons that we might want to review this again after five years.
- 132 • J Paulsen asked if this impact fee is separate from our contractual agreement with Logan.
- 133 • I Hammoud said that there are two interlocal agreements that Logan has with Providence. The first one
134 says that Logan is willing to accept the sewer and sets prices. The agreement expects that Providence will
135 follow Logan's lead in adopting fees, etc. The second agreement sets up the rate setting committee. The
136 [sewer agreement] is set for an automatic annual renewal.
- 137 • J Paulsen asked about clause 9-1A-8(D)2 in the proposed ordinance about the non-standard impact fee.
138 He asked how the fee is determined.
- 139 • I Hammoud explained that a single family residence is \$2433. The intent [of the non-standard fee] is to
140 charge multi-family residences, etc., less based on the flow that they use. They ask the engineer of the
141 facility to provide the calculations for the flow, and then assign the fee proportionally.
- 142 • Correction: R Snow recommended that all references to Logan City or the Logan City Environmental
143 Director be replaced with "the City or its designee."
- 144 • Mayor Drew said that we are not voting on this tonight. It is a discussion item. We can make changes and
145 then vote on it in a future meeting.
- 146 • I Hammoud said that even if we don't mention Logan City or the Environmental Director in the ordinance,
147 we still need to have uniformity [in rates] throughout the system.
- 148 • Alex Bearson asked about maintenance for the sewer system. He asked if the impact fee can be [used
149 for] maintenance. Mayor Drew said that it cannot.

- 150 • Nathan Ballstaedt of Providence was concerned that builders have enough time to adjust to the fee.
151 Mayor Drew said that the fee would not go into effect until 90 days after we approve it. N Ballstaedt felt
152 that this was sufficient notice.
- 153 • J Sealy asked whether if we implemented the full sewer impact fee, it would deter people from building in
154 Providence.
- 155 • N Ballstaedt said that people generally choose their lots based on the lot and the city that it is in. If it is a
156 few thousand dollars more, it would probably not deter many people.
- 157 • Mayor Drew said that we could set the impact fee lower than the maximum, but if we do, it would
158 essentially mean that the current residents would be paying for the difference.

159

160 **Administrative Business Item(s):**

161 **Item No. 1. Resolution 001-2020 – Planning Commission Appointment:** The Providence City Council will consider
162 for adoption a resolution appointing Alex Bearnson to the Providence Planning Commission.

163 **Motion to appoint Alex Bearnson to the Planning Commission:** — K Eck, second — C Kirk

164 **Vote:**

165 **Yea:** K Eck, C Kirk, J Paulsen, J Sealy, B Speth

166 **Nay:**

167 **Abstained:**

168 **Excused:**

169 Discussion:

- 170 • A Bearnson said that he has been involved in development projects in other cities. He didn't like the way
171 things were done. He wanted things to be done better for his own community. He is a 32 year resident of
172 Providence. He wants the community to be well-planned for his children. He feels that he has a different
173 perspective than the older generation and than many other members of the community. He has been a
174 business owner and is now getting involved in real estate development.
- 175 • Mayor Drew asked if he is planning to come to Providence as a developer. A Bearnson said that he does
176 not have current plans for that.

177 **Item No. 2. Resolution 002-2020 – Planning Commission Appointment:** The Providence City Council will consider
178 for adoption a resolution appointing Michael Fortune as an alternate member on the Providence Planning
179 Commission.

180 **Motion to approve Item No 2. Resolution 002-2020 – Planning Commission Appointment:** — J Sealy, second — B
181 Speth

182 **Vote:**

183 **Yea:** K Eck, C Kirk, J Paulsen, J Sealy, B Speth

184 **Nay:**

185 **Abstained:**

186 **Excused:**

187 Discussion:

188

- 189 • M Fortune said that his son's Eagle Scout project had to do with seeing a young child almost getting hit by
190 a car. His son implemented a pilot program of "don't roll, just stop" in their neighborhood. He later went
191 to the director of the Bear River Association of Governments to take it to the three counties. He did
192 presentations at fairs, etc., so that other communities could take the information and use it.
- 193 • M Fortune said that he is semi-retired. He does a bit of development in the manufactured home business.
194 He and his sons build tiny homes, mostly in the Hurricane/St George area.
- 195 • M Fortune has served as a member of the Human Services Board for the Bear River Association of
196 Governments for about 16 years.

- 197 • M Fortune said that his intent is to help people the best way he can. He felt that there are a lot of
198 opportunities to help people, including through allowing people to take advantage of ADUs, etc.

199
200 **Item No. 3. Resolution 003-2020 – Planning Commission Bylaws:** The Providence City Council will consider for
201 adoption a resolution amending the Providence City Planning Commission Bylaws.

202 **Motion to approve item No. 3 Resolution 003-2020 Planning Commission bylaws with the amendment that we**
203 **will add “or equivalent” and reference to the training chair [see below]: — J Paulsen, second — K Eck**

204 **Vote:**

205 **Yea: K Eck, C Kirk, J Paulsen, J Sealy, B Speth**

206 **Nay:**

207 **Abstained:**

208 **Excused:**

209 **Discussion:**

- 210 • B Perry reviewed the proposed bylaw updates relative to training. He read from the proposed changes.
211 • B Perry explained that the Commisison felt that new members needed to be up to date through training.
212 There are many trainings, including Land Use 101 through USU, that members can attend.
213 • S Bankhead said that the Land Use 101 training is offered several times per year.
214 • C Kirk wondered if we should be less specific about the actual training so that if names of classes change,
215 we don’t have to amend the bylaws. R Snow said that we could simply say “or equivalent” after the
216 training names.
217 • Correction: Add “or equivalent” and that the Planning Commission will select a training chairperson.
218 • J Paulsen asked if the bylaws will have the enforceability of law. R Snow said that they will not.
219 • Mayor Drew spoke about the legislature. There is always something that affects cities. When the
220 legislature is in session, it is a busy time. We will probably have one of our state representatives come talk
221 to use about what is going on.

222 **Legislative Business Item(s):**

223 **Item No. 1. Discussion: Ordinance No. 2020-001 – Impact Fee Enactment for Wastewater Treatment Facilities:**

224 The Providence City Council will discuss a proposed ordinance adopting an Impact Fee Facilities Plan and an Impact
225 Fee Enactment for Wastewater Treatment Facilities.

- 226 • Mayor Drew explained that there are two parts to this ordinance. One is to change our code by ordinance,
227 and one is to adopt our fee by resolution.
228 • Correction: R Snow said that because best practice is to adopt fees by resolution, we should strike 9-1A-8
229 D(1).
230 • B Speth asked if the city collects fees at building permit time.
231 • R Snow said that we collect impact fees at the City, and the County collects inspection fees.
232 • S Bankhead said that applicants get a zoning clearance from the City or they get a conditional use permit if
233 it is in a sensitive area. When the zoning clearance is ready, they pay the impact fees and the connection
234 fees when they pick it up. Then they go to the County and pay the County’s fees. The County then remits
235 20% of that fee back to Providence.
236 • B Speth asked how often the wastewater treatment fees are remitted to Logan City. S Bankhead said
237 that this is yet to be determined. B Speth asks who collects the interest.
238 • R Snow said that we collect the fee at the time of issuance of the permit, but Logan doesn’t ask for the
239 money until the issuance of the Certificate of Occupancy. We collect the interest during the time that we
240 keep the money, and the interest remains inside the applicable fund.
241 • B Speth asked about 9-1A-2.
242 • R Snow explained that what is not red is our current ordinance. The red is what we are proposing to add.
243 • B Speth asked about the impact fees we currently charge.

- 244 • S Bankhead said that we charge fees for parks, streets, and water. We included Logan city’s proposed
245 language in red for wastewater treatment. This wording reflects what is required by current state code. If
246 we were to update any of our current impact fees, we would also include the new wording that is
247 required by state code.
- 248 • Correction: S Bankhead said that we need to update the names of the council members on the ordinance.
249 1:34
- 250 • The Mayor requested that staff send the Council a link to the fees on the city website.
- 251 • J Sealy asked why there is only specifics in the code for wastewater impact fees and not for the other
252 impact fees. S Bankhead said that requirements for impact fees have changed. If we change the older
253 impact fees, we will include the new language required by state code.
- 254 • J Sealy asked if the impact fee schedule lists when those fees have been updated. She asked if we have to
255 do a study for each impact fee.
- 256 • Mayor Drew said that we do a capital facilities plan for each area: Sewer, water, parks, etc.
- 257 • S Bankhead said that from those plans, we have to look at the capacity related projects. Those are the
258 only projects that can use impact fee money. Not every project in the capital facilities plan can use impact
259 fee money.
- 260 • B Speth brought up 9-1A-2. It says “issuance of a building permit by the city.” We don’t issue a building
261 permit. S Bankhead said that we could say “issuance of a zoning permit by the city.” R Snow said that we
262 could say “or designee” because even though Cache County does the permits, they are still city building
263 permits.
- 264 • Decision: Strike “by the city.”
- 265 • S Bankhead said that we don’t want to send the impact fee to Logan City until the Certificate of
266 Occupancy is issued, because sometimes someone gets a zoning clearance but then doesn’t actually build.
267 In this case we refund the impact fee.
- 268 • J Sealy brought up 9-1A-8D(3). It says that Logan City will collect the fee.
- 269 • R Snow said that we should replace all references to Logan City and the Logan City Environmental
270 Services Director with “City or designee” [as suggested previously].
- 271 • K Eck said that she would prefer to charge the whole amount for the impact fee. Compared to other cities,
272 our impact fees are in the middle. She doesn’t want to charge this increase in cost to the residents as part
273 of the monthly [utility bill].
- 274 • Mayor Drew said that our sewer is gravity-fed into Logan’s system. We pay for our own maintenance
275 costs. We also gets billed based on what part of Logan’s collection system [our flows] are occupying. Once
276 it gets to the treatment facility, there is a standard rate per 1,000 gallons.
- 277 • J Sealy asked if we can adjust the fee within the guidelines established by the [impact fee study] without
278 doing a new study.
- 279 • Mayor Drew said that the impact fee study considers level of service (for example, 1.5 acres of parks per
280 1,000 residents). We can charge an impact fee based on that level of service. The city can decide to
281 increase the level of service (such as to 2.5 acres of parks per 1,000 residents), but we cannot charge an
282 impact fee in order to increase the level of service. Sometimes conditions such as land prices change, and
283 so the capital plan should be updated. This will affect the rate study for parks and result in a higher impact
284 fee.
- 285 • R Snow said that the calculation for an impact fee is project specific. The fee can be updated as conditions
286 change. Any time we want to change the rate, we should probably do a new study.
- 287 • S Bankhead said that there is a legal way to reduce a fee for a particular type of development without
288 doing another study. This could be done to incentivize a certain type of development. However, no
289 increase can be made without a new study.
- 290 • Mayor Drew said that we have considered having a training on impact fees for the council. R Snow said
291 that he has been sending out information about impact fees a bit at a time to the Council. He

292 recommended that the Council members attend both conferences of the Utah League of Cities and Towns
293 in order to learn more about various topics.

294
295 **Appointment of Mayor Pro-Tem:** The Providence City Council will choose a council member to serve as a mayor
296 pro tem.

297 **Motion to assign Kristina Eck as Mayor Pro Tem: — C Kirk, second — J Sealy**

298 **Vote:**

299 **Yea: K Eck, C Kirk, J Paulsen, J Sealy, B Speth**

300 **Nay:**

301 **Abstained:**

302 **Excused:**

303 Discussion:

- 304 • Mayor Drew explained that a mayor pro-tem is chosen in case the mayor is absent. Historically, we have
305 chosen the most senior member of the Council. K Eck is the most senior member currently.
- 306 • K Eck said that she would be happy to do it.
- 307 • S Bankhead said that in a situation where both the mayor and the mayor pro-tem are absent, the council
308 can select a mayor pro-tem for that meeting only.
- 309 • B Speth asked if the mayor pro-tem sets the agenda. Mayor Drew said that the mayor sets the agenda
310 unless he/she is incapacitated.

311
312 **Council Reports:** Items presented by the City Council members will be presented as informational only; no formal
313 action will be taken. The City Council may act on an item, if it arose subsequent to the posting of this agenda and
314 the City Council determines that an emergency exists.

- 315 • Mayor Drew said that the Sherriff is reinstating his “citizen’s academy” classes.
- 316 • Mayor Drew spoke about assignemnts for council members. In council reports, council members typically
317 report on their assignemnts. One assignment that has been discussed is to have one council member
318 keep track of bills that are going through the state legislature. We could also have a Council member
319 participate in the Legislative Policy Committee at the Utah League of Cities and Towns. We could also
320 have a council member working with the city staff on recreation, etc.
- 321 • S Bankhead said that on the Legislative Policy Committee, we can have up to three voting members.
322 However, all members of the Council can view the proceedings or participate in the discussion. City
323 Council members can view and participate in the meeting via computer.
- 324 • Mayor Drew reported on the County Council meeting last night. Goals were discussed. On of their goals
325 was to have better relationships with the cities. They mentioned that there is a deadline of March 6th for
326 applications for RAPZ money.
- 327 • J Paulsen brought up streetside parking during snow storms. There is an issue on [1000 S] going up to
328 Grandview with construction trailers, etc., that are parked on the side of the road. They don’t have
329 reflectors, and they make it like a one way road. It is very dangerous. K Eck agreed. R Snow asked J
330 Paulsen to send him pictures and copy Rob on the email.
- 331 • J Paulsen brought up what the Mayor said earlier about council members emailing him to get items on the
332 agenda. He felt that we should formalize the process. Maybe we should put a procedure in our code that
333 allows multiple council members to get an item on the agenda [without needing the mayor’s approval].
334 He thought that state code specifies that the mayor chairs the meeting, but doesn’t specify that the
335 mayor sets the agenda.
- 336 • Mayor Drew said that the way we put items on the agenda is spelled out in our bylaws. We need about
337 two weeks’ notice to get an item on the agenda.
- 338 • R Snow said that if a council member’s item doesn’t get on the agenda, two members of the council can
339 call a meeting and set an agenda. However, normally the agenda is set by the mayor.

- 340 • Chad Wooley, City Attorney, said that there may be a procedure in state code for council members to put
341 an item on the agenda.
- 342 • S Bankhead said that if two council members call a meeting, they need to let S Bankhead and R Snow
343 know in advance so that they can get all the posting requirements met. They need at least 24 hours
344 notice. Emergency meetings have different posting requirements, but can only be called for bona fide
345 emergencies.
- 346 • Mayor Drew said that while he has been mayor, there have not been any items requested by a council
347 member that have not gotten on the agenda.
- 348 • J Paulsen felt that the process should be formalized. He wanted a process so that if two council members
349 want an item on the agenda, it will be added.
- 350 • R Snow said that in the bylaws, there is a provision for two council members to add an item to the
351 agenda. There is a resolution that is attached to that.
- 352 • J Paulsen felt that it should be in city codes so that it is enforceable.
- 353 • C Wooley said that resolutions are enforceable. Bylaws are enforceable as a contract between the Council
354 members. They are not enforceable in the sense that one could be criminally punished for not following
355 them. They are still law because they have been passed by the Council. If we are not going to follow the
356 bylaws, we should change them.
- 357 • J Paulsen said that he is comfortable with that.
- 358 • B Speth asked where we can find the resolutions. S Bankhead said that they are not on the website. The
359 bylaws, however, are on the website.
- 360 • J Paulsen said that he met with Steve Simmons and some of his neighbors last night in order to
361 understand their perspective. J Paulsen brought up the plan that was presented during the public
362 comment portion of the meeting tonight [by S Simmons]. He asked how much eminent domain would
363 cost the City. He felt that the plan presented by S Simmons would save the city a lot of money and makes
364 a lot of sense. He asked that we consider putting this on the agenda for the next meeting.
- 365 • Mayor Drew said that this issue has been addressed in the past by the Council. There is a lot of history to
366 this issue. Also, there are no plans for eminent domain. There is an active development that has begun
367 construction. If we were to change it now, we would end up in court.
- 368 • S Bankhead said that it is an approved subdivision with an approved development agreement.
- 369 • J Paulsen thought that we could still move the street, but S Bankhead said that we cannot. We cannot
370 force the developer to amend his plat.
- 371 • J Paulsen said that we can still move the section of street that connects to the developer's street.
- 372 • Mayor Drew said that the street will have 24 ft of asphalt, which is more than enough space for traffic
373 going both directions.
- 374 • R Snow said that if we want to change what will happen on either side of this development, we should
375 send it to the Planning Commission.
- 376 • J Paulsen felt that we might need to send it to the Planning Commission. The way the road is currently
377 shown, the City might have to spend a significant amount of money acquiring property through eminent
378 domain.
- 379 • J Sealy said that because of the irrigation ditch and because of the development that is already platted, it
380 would be difficult to change the road. She felt that we should change the code to require a developer to
381 put in the entire width of the road when they develop.
- 382 • R Snow said that if the Council would like to have this changed, they should ask to have it put on the
383 agenda for Planning Commission.
- 384 • J Sealy asked if the irrigation ditch on that property is in the City or the County. Mayor Drew said that part
385 of it is in the City and part in the County.
- 386 • S Bankhead said that it is all privately owned now. The County doesn't own the road.
- 387 • S Bankhead said that if we want to discuss this further, we should put it on an agenda. C Wooley agreed.

- 388 • B Speth said that when a property borders the county, we should deal with the road issues differently
- 389 because we have less control over when a developer comes in on the adjoining property. We could build a
- 390 half a road, and then the other parcel could go to Millville.
- 391 • C Kirk asked if there is anything we can do in this situation. If there is no way to make a win-win, then we
- 392 should send it to Planning Commission to talk about roads. If there is something else we can do, then we
- 393 should put it on the Council agenda.
- 394 • R Snow said that we cannot change the development as it stands, but we could change what adjacent
- 395 future developments do by changing the laws.
- 396 • J Paulsen felt that the developer might choose to change his plan for the road if we changed what will
- 397 happen on the adjacent lots. J Paulsen asked how much it would cost the city if we had to acquire the land
- 398 according to our current plan.
- 399 • K Eck said that [Steve Simmons] is already accusing the City of eminent domain even though there is
- 400 none. She said that there is a lot of history regarding this issue, and it is important to get the whole story.
- 401 • B Speth felt that J Paulsen’s suggestion is worth discussion.
- 402 • Mayor Drew said that the part of the road that most concerns Steve Simmons is the part that abuts his
- 403 property, which is the part within the current development. Changing what will occur on either side will
- 404 not solve his problem. Mayor Drew felt that the developer will not change to accommodate the changes
- 405 that we might make on either side because the developer would lose two lots. Also, the infrastructure is
- 406 already in the ground.
- 407 • J Paulsen disagreed that the developer would lose two lots.
- 408 • The council discussed entering an executive session. C Wooley said that when we going into executive
- 409 session, we have to state the reason that we are going in, and then we cannot deviate from that
- 410 discussion while we are in the session.

411
412 **Executive Session Notice:**

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

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

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

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

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

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

419
420 **Motion to enter executive session to discuss current litigation as well as possible land acquisition or land**

421 **acquisition questions: — C Kirk, second — K Eck**

422 **Vote:**

423 **Yea: K Eck, C Kirk, J Paulsen, J Sealy, B Speth**

424 **Nay:**

425 **Abstained:**

426 **Excused:**

427 Entered executive session at approximately 8:45 PM

- 428 • Brent Speth excused himself during the executive session.

429
430 **Motion to close executive session: — K Eck, second — C Kirk**

431 **Vote:**

432 **Yea: K Eck, C Kirk, J Paulsen, J Sealy**

433 **Nay:**

434 **Abstained:**

435 **Excused: B Speth**

436 Closed executive session at approximately 10:26 PM

437

