

1 **PROVIDENCE CITY COUNCIL MEETING MINUTES**
2 **Wednesday, February 19, 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 Pledge of allegiance: Mayor Drew
11 Opening remarks – Prayer: Brent Speth
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

16 R Stapley, Public Works Director

- 17 • The Spring Creek West Crossing is an upcoming project. It was put up for bid. We received seven bids. We
18 will hopefully have a recommendation for the Council by next meeting.
- 19 • New Dew reservoir: We are working on putting the preliminary plans together.
- 20 • B Speth asked where the reservoir will be. R Stapley said that it will be north of Stan Checketts' house. It
21 will be at the same level as Redd's reservoir. It will be a 1.5 million gallon tank.
- 22 • J Sealy said that she has been in contact with the principal at River Heights Elementary. She wants
23 Providence to coordinate with the River Heights Public Works Department regarding sidewalk connection.
- 24 • R Stapley said that we have talked about relocating the crosswalk at 100 West 280 North so that it is at
25 the new Spring Creek Parkway. We are planning on leaving it where it is for now, and then addressing it
26 next summer if we have any issues.
- 27 • Mayor Drew asked about the timing for the construction of the Spring Creek Crossing (west).
- 28 • R Stapley said that the stream alteration permit is delaying things. The permitting agency may not allow
29 us to do construction during the period of highest flows, which may push back our start date to early July.
30 However, the project itself won't take very long and will probably be finished before the start of the
31 school year.
- 32 • R Stapley said that the bids ranged between the high 100,000's to the high 300,000's.
33

34 Skarlet Bankhead, Administrative Services Director

- 35 • S Bankhead said that the minutes, agendas, and agenda packets of all the commissions can be found on
36 the Utah Public Notice Website and the City website.
- 37 • S Bankhead said that the RAPZ grant application will be due soon. In 2019 the City was awarded \$70,000
38 for additional pickleball courts for Alma Leonhardt Park. We are planning to request the balance of the
39 money needed for that project in our 2020 RAPZ application.
- 40 • S Bankhead told the Council that if there is anything that they would like posted on the website or sent
41 out via Facebook or Twitter, they can email it to her and CC Ryan Snow.
- 42 • S Bankhead spoke about the pipeline notification service. Our subscription numbers are gradually
43 increasing. It is a useful service, and we only message people for the categories they have signed up for.
- 44 • J Sealy asked if the notification service can target a specific area of the city. S Bankhead said that it can.
45 This is one reason why we want as many people as possible to sign up for it. We can notify certain areas
46 of water shutoffs, etc.
- 47 • C Kirk asked about checking or changing one's registration on the Pipeline. She tried to go in and do it, but
48 couldn't figure out how to do it.
- 49 • S Bankhead said that she will notify the person in charge that there is a problem.
- 50 • Mayor Drew suggested that we create some instructions for the residents so that they know how to
51 change their preferences, etc.
- 52 • S Bankhead said that we can put it on the City website. C Kirk said that we should put it in the newsletter.
53

Ryan Snow, City Manager:

- 54 • R Snow said that the state Auditor’s Office will require a fraud risk assessment of all cities. In preparation
55 for that audit, we are putting in place certain policies. A human resources firm also audited our policies.
56 • We have completed a segregation of duties audit. This assessment makes sure that no one person is doing
57 too many tasks. This can create risk [for fraud]. After implementation of these policies, we should be able
58 to get the top rating on the State’s audit. We will have to report to the State on these items after the end
59 of this fiscal year.
60 • J Paulsen asked about the fraud risk assessment. Is it a new instrument?
61 • R Snow said that it is expected to be adopted in April. It hasn’t been mandated previously, but it has been
62 best practice. It will become mandatory this year.
63 • R Snow said that the Planning Commission discussed the partial street cross section. The City Engineer
64 was there for the discussion. In the end, the Planning Commission recommended no change to the cross
65 section.
66 • R Snow explained the GIS maps that we are working on. We have all of our sidewalks mapped, and we
67 have mapped our water and sewer system. We have mapped our snow plow priority [routes]. We are
68 working on mapping our storm drain system, etc. The benefit of having our own mapping system is that
69 we can make sure that the data is up to date.
70 • R Snow explained that we don’t share the GIS data with the public for fear that they may not call Blue
71 Stakes to find out where their utilities are. The data in our GIS is for planning purposes, not for digging.
72 • B Speth asked if irrigation lines will be included in the mapping for the storm water system.
73 • R Snow said that we don’t currently have those mapped. We can decide whether we want to map those
74 when we do some master planning on the issue.
75 • Mayor Drew said that there are many other things that we could add to the GIS that would make it a great
76 resource for contractors and for the city.
77

78 **Approval of the minutes**

79 **Item No. 1.** The Providence City Council will consider approval of the minutes of January 15, 2020

80 **Motion to approve the minutes from Wednesday January 15, 2020: — C Kirk, second — J Sealy**

81 **Vote:**

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

83 **Nay:**

84 **Abstained:**

85 **Excused:**

86 **Comments:**

- 87 • Councilman Speth: left after voting to enter executive session. Recused himself.
88

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

- 93 • No public comment
94

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

96
97 **Administrative Business Item(s):**

98 **Item No. 1. Discussion:** The Providence City Council will discuss options for fiber installation and services.

- 99 • Mayor Drew asked R Snow to lead the Council in the discussion about fiber.
100 • R Snow explained UTOPIA’s model. They build a fiber network and they own it. The City bonds for it and
101 backs it, and if enough people don’t sign up, the City guarantees the bond up to that point.
102 • R Snow said that we were also approached by American Fork to explain their “utility” option. With this
103 option, the city would own the infrastructure. We could still cover the cost if enough people signed up,
104 but we could also realize profit. There is an interlocal agreement [for this model] called Light Hub that
105 American Fork is a part of. Kaysville used to be a part of it as well.

- 106 • R Snow reached out to [Strata], a firm that does fiber optics and asked them if they would be able to help
- 107 us install our own fiber. They said that they could. R Snow met with Strata along with councilwoman Kirk.
- 108 • R Snow said that there are a few questions we should ask ourselves: Are we OK with letting the current
- 109 process to take its natural course, and allow Comcast, etc., to bring in fiber when they want to? Or do we
- 110 want another option?
- 111 • K Eck said that the reason for UTOPIA was to provide the residents with several service options and
- 112 several pricing options. UTOPIA would bring in 15 different [service providers].
- 113 • R Snow said that Strata would be similar in this regard. We could use them as an ISP, but we wouldn't
- 114 have to. We intend to have an open network.
- 115 • K Eck said that she is convinced that with UTOPIA, we would be able to get the 30% [sign up rate] that we
- 116 would need.
- 117 • B Speth said that he is in favor of competition and in favor of us having an alternative in the city. He has
- 118 concerns with Strata, because the devil is in the details. He felt that UTOPIA has a package deal and that
- 119 they have served many other cities. With Strata, we would need to take over the system eventually. We
- 120 would need personnel and equipment to maintain the system, etc.
- 121 • B Speth asked if we will have enough homes signed up to create a profit.
- 122 • R Snow said that UTOPIA expects that \$30/month per residence will cover their infrastructure costs at
- 123 30% sign up. The management of the system will cost \$23.50 per month per connection. If we had a 60%
- 124 sign up rate, we would have significant extra money.
- 125 • R Snow said that UTOPIA has about 15,000 customers, whereas Strata has about 60,000.
- 126 • B Speth asked whether we could leave Strata at some point and take over management on our own. R
- 127 Snow said that we can. B Speth said that he wants to know whether the costs for eventually taking over
- 128 from Strata would be small enough for us to be profitable considering our upper limit of customers.
- 129 • R Snow brought up the Woodland Hills model. They did a UTOPIA model, but then bought the
- 130 infrastructure.
- 131 • J Paulsen said that this is a services problem and a business problem. He agrees that the current internet
- 132 providers are not providing great service. Will this fiber service make Providence a nicer place to live? On
- 133 the business side, government is historically bad at competing with the private sector. Our current model
- 134 for the 30% take rate is based on the assumption that the current providers will not change their prices.
- 135 They will probably retaliate by lowering their prices, which could affect the take rate. If we are going to
- 136 invest money, we should calculate the internal rate of return in terms of guaranteeing the bond payment.
- 137 He would like to be conservative with risk when we are using the citizens' money.
- 138 • B Speth asked about the rate of depreciation of the infrastructure.
- 139 • R Snow said that it would certainly deteriorate. The conduits/cables would deteriorate more slowly, but
- 140 the IT infrastructure might deteriorate faster.
- 141 • B Speth asked if the fiber optic system would meet the demands of total buildout of the city. R Snow said
- 142 that the bandwidth would be much more than we would need.
- 143 • Mayor Drew said that what will limit fiber speeds is the hardware that everyone has in their house.
- 144 • J Sealy said that there is no way to predict the evolution of technology. If we take a 20 year bond out on
- 145 the residents, the technology may be obsolete by the time we pay it off.
- 146 • R Stapley said that he has concerns with all the fiber options. His personal opinion is that the fiber is great
- 147 but that it is unnecessary.
- 148 • Mayor Drew said that companies pulling conduits causes trouble for public works. If we owned the
- 149 conduits, we could manage where they went. Then Comcast and Centurylink could use our conduits.
- 150 • Mayor Drew said that Strata has their own crew and equipment to lay down the conduits. UTOPIA
- 151 contracts others to do this.
- 152 • Mayor Drew said that as far as obsolescence, there is nothing faster than the speed of light.
- 153 • Mayor Drew said that CenturyLink and Comcast may be more interested in working with business than
- 154 with residential. They may be on their way out of the residential market.
- 155 • Mayor Drew said that if we get fiber, it may attract businesses that want faster internet. It may also
- 156 increase home values.

- 157 • Mayor Drew said that American Fork does not have a fully built fiber network. It is mostly on paper right
- 158 now. They have asked us and other cities if we want to join them [in an agreement to get fiber].
- 159 • Mayor Drew felt that the competition between companies will be on the internet service side, not on the
- 160 [infrastructure] side.
- 161 • Ralph Daniels of Providence appreciated the comments and questions that have been raised. He felt that
- 162 fiber internet is good. However, he hopes the Council will get all the data in front of them before they
- 163 make a decision. He doesn't want the burden to come onto the tax payers.
- 164 • K Eck said that she would like to get more information on UTOPIA and on Strata. She feels that we have
- 165 our hands full running the city right now, so it would be better to have UTOPIA take care of things.
- 166 • S Bankhead said that there are essential services that the city must provide. We are working on other
- 167 important things, such as a new reservoir, sewer in an area of the city, etc. We may be doing rate studies
- 168 to reevaluate what we charge for these services. We should be careful about broadening our efforts too
- 169 far. These current essential efforts will also cost money.
- 170 • R Snow suggested that the Council decide which model they like, and then we can get the details.
- 171 • C Kirk said that she would like to be a forward thinking city. She feels that fiber is inevitable, so why not be
- 172 an earlier adopter? She likes the idea of having the option of paying down the loan faster [such as through
- 173 Strata].
- 174 • J Paulsen said that he agrees that nothing will likely be faster than fiber optics. However, there may be
- 175 disruptive technologies that disrupt the model. For example, wireless infrastructure might disrupt it. He is
- 176 leaning against proceeding.
- 177 • Mayor Drew said that he would like to have a model that we can play with so that we can see what the
- 178 payout would be and how long it would take us to pay off the bond, etc.
- 179 • Mayor Drew said that Providence has the highest median household income in Cache Valley. If fiber is
- 180 going to come anywhere, it will come here.
- 181 • J Paulsen said he is leaning towards not proceeding with any fiber option. However, if we made
- 182 calculations that showed an internal rate of return higher than for the other services we provide, he might
- 183 be convinced.
- 184 • R Snow asked if the Council has any interest in owning fiber. C Kirk said that she is interested in owning
- 185 the fiber so that we can pay down the loan faster. She would like to see the numbers to see if it would
- 186 work. K Eck agreed.

187 **Motion to vote on moving forward with crunching numbers to see if the Strata option would indeed make it**

188 **viable for us to pay off fiber more quickly: — C Kirk, second — K Eck**

189 **Vote:**

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

191 **Nay:**

192 **Abstained:**

193 **Excused:**

- 194 • B Speth asked if the motion includes the costs of our city managing the fiber. C Kirk said that it does. Also,
- 195 Strata will allow us to contract with them for the servicing of the fiber as long as we want.
- 196 • J Paulsen asked that R Snow email the council when he finds out what the price of the outside analysis
- 197 would be.
- 198 • Corey Twedt, Millville City recorder, said that he has some contacts for fiber feasibility studies. The cost
- 199 that they were looking at for the financial analysis was under \$10,000. R Snow asked C Twedt to send
- 200 those contacts to him.
- 201 • C Twedt asked if Strata has fiber in Cache Valley. R Snow that they do not at the time, but they have
- 202 credits with UDOT, etc., that would allow them to bring their service here.
- 203 • C Twedt felt that owning the fiber would make more sense if neighboring cities were going to share in the
- 204 maintenance.
- 205 • C Twedt said that having fast internet is going to be more and more of a desire over time. Many more
- 206 products are now connected to the internet.
- 207 • Mayor Drew said that 5G will require fiber. C Twedt said that this is true.

- C Twedt said that he spoke to UTOPIA about whether their member cities have had trouble meeting the [sign up] threshold of 30-40%. None of those cities have had to pay out of pocket yet.

Item No. 2. Discussion: The Providence City Council will discuss the 2020 meeting schedule.

- K Eck felt that we can have one meeting a month and then add a meeting if we need to.
- C Kirk said that she likes having the first meeting of the month on an as-needed basis. She said that on April 1st she will be absent. J Sealy will be absent as well.
- C Kirk said that she does not need a printed packet for Council meetings unless it is given to her in advance for marking up. She would like a printed agenda, however.
- R Snow asked if she would prefer digital. C Kirk said that she is in favor of preserving resources and would prefer digital.
- B Speth asked how we can edit the digital copies.
- J Sealy said that she is fine aiming for one meeting per month. B Speth agreed.
- J Paulsen said that we could do two meetings a month and keep them to two hours each.
- K Eck felt that one meeting a month could be more efficient for staff.
- J Paulsen said that he is concerned that citizens have to wait so long for the item they are interested in to come up for discussion [with longer meeting formats].
- K Eck suggested putting a time limit on some of the items on the agenda.
- S Bankhead said that for staff, preparing for one meeting a month is easier than preparing for two meetings a month. However, if the packets are so large that the Council can't prepare for the meeting properly, we should do two meetings a month.
- R Snow said that with two Council meetings and two Planning Commission meetings per month, staff doesn't have a chance to take a vacation. Also, we aren't giving the packets all at once. We are sending them to the Council in chunks so that there is time to review the materials and ask questions. Many organizations operate on monthly cycles.
- J Paulsen said that he is willing to go with one meeting a month so that staff can take a vacation.
- Mayor Drew brought up the fact that we have covered only two items on the agenda and we have quite a few more. We have already spent almost two hours. In order to be more efficient, we need to look at the materials in advance and ask questions in advance. However, he felt that one reason why this meeting is going so long is that we are only having one meeting this month.

Motion to have one meeting a month on the third Wednesday: — K Eck, second — J Paulsen

Vote:

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

Nay:

Abstained:

Excused:

Legislative Business Items:

Item No. 4. Resolution 004-2020: The Providence City Council will consider for adoption a resolution adopting the General Plan and associated key initiatives, objectives, and goals.

Motion to form a subcommittee and review it and then bring it back to the council: — K Eck, second — C Kirk

Vote:

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

Nay:

Abstained:

Excused:

Comments:

- Tina Gilman of CRSA spoke about the General Plan. She explained that the plan was created based on input from citizens, the Council, the staff, and other stakeholders. The first part of the plan was written to be accessible to a general readership.
- T Gilman spoke about Providence City's vision statement. From that statement, we created five key initiatives. We did that by sifting through the comments we received. The [six] key initiatives are: Sense of

- 260 Place, Green Infrastructure, Fiscal Responsibility, A Multi-Modal City, Economic Development, and Life
261 Cycle Housing and Housing Choices.
- 262 • T Gilman said that the key initiatives are intended to give members of the Council guidance as they make
263 decisions so that they can make sure their decisions are getting them where they want to go in the long
264 term.
 - 265 • T Gilman said that Part 2 of the plan is more text heavy and more detailed. It meets the requirements of
266 what must be included in a General Plan [per state law].
 - 267 • T Gilman said that some objectives may meet multiple key initiatives. These objectives may be repeated.
 - 268 • T Gilman said that the General Plan is intended to be a living document. It can be adjusted.
 - 269 • C Kirk said that she is very motivated to get this plan done. However, she feels that it is not ready. She is
270 especially uncomfortable with Key Initiative #6, which seems like it was an add-on. She felt that other
271 Council members may also have concerns. She felt that we may need a meeting to discuss this.
 - 272 • Correction: C Kirk brought up 3-4 and 2-5 where there is a map that shows a potential conservation zone
273 near Grandview Drive, but yet it is being developed currently. The map is out of date. C Kirk was also
274 concerned about some of the objectives that the plan says we should revisit every 1-5 years.
 - 275 • K Eck asked whether we should send the plan back to Planning Commission.
 - 276 • R Snow said that we could also have a subcommittee with a few Council members and himself to look at it
277 and boil it down.
 - 278 • T Gilman cautioned the Council to remember that these objectives came from the process that they went
279 through [to get the opinions of the public, stakeholders, etc]. Because of this, she is hesitant to do a
280 rewrite because there was a full public process to support what ended up in the plan.
 - 281 • J Paulsen asked when Item #6 was added. He asked if it was a part of the public process.
 - 282 • T Gilman said that it was added towards the end of the public involvement process as housing became a
283 greater concern.
 - 284 • J Paulsen asked if the public had input on #6.
 - 285 • K Eck suggested getting rid of the word "Life Cycle" in the title of the initiative.
 - 286 • C Kirk was uncomfortable with the objective that says that we should provide incentives for affordable
287 housing. She felt that developers have enough incentives.
 - 288 • T Gilman said that "provide incentives for affordable housing" does not necessarily mean higher density
289 housing. Many of these objectives are broad. The Council gets to decide how they apply to Providence.
 - 290 • J Paulsen said that we should probably pick a date when we want to be finished with this plan, and he
291 agreed with the idea of discussing it in a smaller setting.
 - 292 • R Snow said that he agrees with T Gilman that we need to be careful not to disregard the feedback [from
293 the public process]. He agrees with the idea of picking a date to get it done.
 - 294 • J Paulsen said that he would feel most comfortable if we mention the Plan in the city newsletter so that
295 citizens can review it.
 - 296 • Mayor Drew said that we should also give people specific instructions on how they can comment on the
297 plan. R Snow said that it is on our website and on our [Facebook page]. People can comment [on the
298 Facebook page]. We could also give them an email to send comments to.
 - 299 • J Sealy felt that forming a subcommittee is a good option as long as we choose people with a variety of
300 views.
 - 301 • Mayor Drew suggested Councilwoman Eck and Councilman Speth to be on the subcommittee. The Council
302 agreed.
 - 303 • J Sealy asked about state requirements for general plans to cover housing and transportation. Is that why
304 initiative #6 was added?
 - 305 • T Gilman said that chapters 4-10 of the second part of the plan cover the items required by law.
 - 306 • Mayor Drew asked if T Gilman's firm could do a fiber analysis. T Gilman said that it is possible, but that it
307 could be better to go with firms that specialize in fiber. T Gilman said that she will check with her
308 company and get back to us.
 - 309

310 **Item No. 3. Resolution 005-2020 – Personnel Policies:** The Providence City Council will consider for adoption a
311 resolution adopting revisions to the Providence City Personnel Policies.

312 **Motion to adopt the resolution with the changes suggested:** — B Speth, second — J Sealy

313 **Vote:**

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

315 **Nay:**

316 **Abstained:**

317 **Excused:**

318 **Comments:**

- 319 • R Snow said that we are looking at a 90% document, not 100%. Because we have a mountain to swallow,
320 we want to achieve a large portion of it even though we are not fully finished. The last section we added
321 was recommended by the state auditor’s office.
- 322 • R Snow explained that we have added a third option for unused paid time off. The third option is to roll it
323 over into retirement.
- 324 • B Speth said that he has previously discussed his concerns with R Snow.
- 325 • J Paulsen said that he had a few issues, but they can wait 6 months [as we continue to review the
326 document].
- 327 • S Bankhead noted a typo on the resolution. It should say the 19th Day of February.
- 328 • J Paulsen noted a section on the resolution that needs to be changed. Under “therefore,” there is a part
329 that talks about the general plan instead of the personnel policies.

330
331 **Item No. 4. Resolution 006-2020 – Recreation Philosophy and Cost Recovery Methodology:** The Providence City
332 Council will consider for adoption a resolution revising the Recreation Philosophy and Cost Recovery Methodology
333 and associated fees.

334 **Motion to approve Item No. 4 Resolution 006-2020 Recreation Philosophy and Cost Recovery Methodology with**
335 **the caveat that we have a subcommittee to address other content issues in the resolution:** — J Paulsen, second

336 — K Eck

337 **Vote:**

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

339 **Nay:**

340 **Abstained:**

341 **Excused:**

342 **Comments:**

- 343 • J Paulsen and J Sealy felt that we should not approve this resolution.
- 344 • S Bankhead said that this resolution changes an existing document. It is not a new document. The changes
345 are to reflect current costs and expenses. If the Council has problems with the philosophy and
346 methodology of the document itself, we can discuss that. However, we would like to get the new costs in
347 place so that the programs can implement them and prepare their budgets.
- 348 • J Paulsen said that he would like to discuss the methodology either in a subcommittee or in a future
349 meeting. He felt that there are significant changes that need to be made.
- 350 • J Sealy said she is fine with adjusting the rates, but she feels that the document is incomplete. It only
351 addresses the costs for two program: baseball and soccer.
- 352 • S Bankhead said that this is because those are the only programs where an outside group comes in and
353 uses our fields. With the other programs, we recover our costs through registration fees.
- 354 • J Paulsen said he would be willing to be on a subcommittee about this, or to discuss it again [with the full
355 council] at a future meeting. He would be willing to approve the costs now. J Sealy said that she would be
356 willing to be on the subcommittee as well.

357
358 **Legislative Business Item(s):**

359 **Item No. 1. Ordinance No. 2020-001 – Impact Fee Enactment for Wastewater Treatment Facilities:** The
360 Providence City Council will consider for adoption an ordinance adopting an Impact Fee Facilities Plan and an
361 Impact Fee Enactment for Wastewater Treatment Facilities.

362 **Motion to approve Ordinance 2020-001 with the corrections discussed:** — J Sealy, second — C Kirk

363 **Vote:**

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

365 **Nay:**

366 **Abstained:**

367 **Excused:**

- 368 • Correction: S Bankhead said that we need to add the 2007 Park Impact Fee [Analysis] and the [2019]
- 369 Wastewater Treatment Analysis into 9-1A-1 after “July 1, 1997.”
- 370 • S Bankhead said that in 9-1A-8D1, second sentence, we need to say that the fee would be based per
- 371 equivalent residential unit (removing the fee amount). In the last sentence, we should replace the fee
- 372 amount with “the fee.” Then we should add a sentence that says: “The fee shall be established by
- 373 resolution of the City Council.”
- 374 • S Bankhead said that we don’t like to put fees in the ordinance. Instead, we adopt them by resolution.
- 375 • C Kirk said that we don’t have many options other than accepting this impact fee. We can either subsidize
- 376 it or approve it.
- 377

378 **Item No. 2. Ordinance No. 2020-002 – Code Amendment / Cemetery:** The Providence City Council will consider

379 for adoption an ordinance amending Providence City Code Title 7 Public Ways and Property, Chapter 4 Cemeteries,

380 Section 6 Fees and Charges and Section 7 Lot Sales, by removing the definition of resident and the reference to

381 resident and non-resident rates; and establishing the fee for a new certificate by resolution of the City Council.

382 **Motion to approve the ordinance:** — B Speth, second — J Sealy

383 **Vote:**

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

385 **Nay:**

386 **Abstained:**

387 **Excused:**

388 **Comments:**

- 389 • S Bankhead explained that this ordinance would remove all references to resident and non-resident. We
- 390 are also replacing the fees in the ordinance with language indicating that the City Council will establish the
- 391 fees by resolution.
- 392 • B Speth asked if the fee has been adopted for transferring cemetery spaces. It is not on the website.
- 393 • S Bankhead said that the Council has adopted the new fees, and they are on the cemetery page on the
- 394 website. They are not on our fee schedule yet.
- 395 • R Snow said that we will update the [fee schedule on the website].
- 396 • K Eck said that she would like there to be a master plan for the cemetery.
- 397 • C Kirk asked if the cemetery is subsidized by the City. Mayor Drew said that it is. C Kirk asked why it is the
- 398 same rate for residents and non-residents if the City is subsidizing it.
- 399 • S Bankhead said that we decided to have a standard rate because having separate rates is not an
- 400 ordinance that we can enforce.
- 401 • K Eck said that our rates were also quite low compared to other areas.
- 402

403 **Item No. 3. Ordinance No. 2020-003 – Code Amendment / Setbacks:** The Providence City Council will consider for

404 adoption an ordinance amending Providence City Code Title 10 Zoning Regulations, Chapter 8 Area Regulations,

405 Section 1 Area Regulations and Section 3 Setbacks.

406 **Motion to adopt Ordinance No. 2020-003 Code Amendment Setbacks:** — C Kirk, second — J Sealy

407 **Vote:**

408 **Yea:** K Eck, C Kirk

409 **Nay:** J Paulsen, J Sealy, B Speth

410 **Abstained:**

411 **Excused:**

412 **Motion to reconsider the ordinance:** — J Paulsen, second — J Sealy

413 **Vote:**

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

415 **Nay:**

416 **Abstained**

417 **Motion to approve Ordinance No. 2020-003 Code Amendment Setbacks except for the portion of that setback**
418 **that pertains to accessory dwelling units and that that item be moved forward to a future council meeting for**
419 **discussion: — J Paulsen, second — K Eck**

420 **Vote:**

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

422 **Nay:**

423 **Abstained**

424 **Excused:**

425 **Comments:**

- 426 • J Sealy asked about the SMH (Single Mobile Home Zone). Why is it not struck from the ordinance if we
427 have no such zone in the city?
- 428 • S Bankhead said that we are required to have that zone available. It falls under fair housing laws The
429 Council doesn't have to accept a rezone to that zone, however.
- 430 • J Sealy asked why the CND zone was struck. S Bankhead said that this was a zone that was blending
431 commercial and residential areas. The Planning Commission and City Council decided to strike it. [It does
432 not fall under fair housing laws].
- 433 • R Snow said that HUD has strict rules about not discriminating against mobile homes.
- 434 • S Bankhead said that we do not allow mobile homes in any of our current residential zones. Someone
435 would have to apply for a rezone.
- 436 • S Bankhead said that with setbacks, many people are wanting to build their homes from setback to
437 setback regardless of the lot size. We were running into problems with people being able to fit within the
438 setbacks. Contractors were talking to us about our setback, etc., so we decided to give it an overall look.
439 We also added setbacks for [detached] dwelling units to the chart.
- 440 • S Bankhead explained that several years ago, the Planning Commission wanted to avoid cookie cutter
441 neighborhoods. They wanted to give developers options. This is why there are the caretts in the chart
442 which allow for flexibility.
- 443 • S Bankhead explained that after much discussion, the Planning Commission recommended 20 ft on the
444 front and 15 ft on the back. This provides even more flexibility.
- 445 • S Bankhead said that we previously relied on the building code for the distance between residential
446 structures on the same lot. However, if buildings are built correctly, the building code allows zero distance
447 between buildings. The Planning Commission decided that they needed to weigh in on this issue. They
448 decided that the distance between the residential structures should be 15 ft in most zones, and 10 ft in
449 the Single Mobile Home zone.
- 450 • S Bankhead said that as far as height, we were referencing the building code, but that does not specify
451 height limits. Now we have added caps on height.
- 452 • S Bankhead explained that if a developer wants to do a larger setback than we require, they can do so and
453 record it on the plat. We have to enforce what is on the plat. We changed some text in the ordinance to
454 help people understand that.
- 455 • S Bankhead explained that every setback must be unobstructed from the ground to the sky except as
456 allowed in the code. This can cause issue with window wells, etc. We put a section in about window wells.
- 457 • S Bankhead explained that we added language that addresses retaining walls, planters, etc., that are
458 sometimes used in landscaping.
- 459 • S Bankhead said that we have talked about having a "bright line" setback standard, where nothing can
460 infringe on it. However, this is not industry standard, so we would be fighting an uphill battle to
461 implement it.
- 462 • S Bankhead said that we also added language about double frontage, interior, and odd shaped lots.
- 463 • Ralph Daniels of Providence said that he objects to decreasing the setbacks because with smaller
464 setbacks, someone could potentially ruin someone else's garden by blocking the sunlight.

- 465 • J Paulsen said that he is concerned with the accessory dwelling unit setback. In the current chart, the
- 466 setbacks are the same for the ADU as for the primary residence. He doesn't like that because in almost
- 467 every case, this will be an additional dwelling that will go on the lot. There is a reasonable expectation
- 468 among existing homeowners that there will be some distance between their home and another inhabited
- 469 building. If someone smokes a cigarette, for example, the smoke travels further than 25 or 30 feet. J
- 470 Paulsen said that he realizes that imposing larger setbacks on ADUs would make them almost untenable,
- 471 but he still doesn't feel good about the current setbacks.
- 472 • R Snow asked if J Paulsen is opposed to accessory dwelling units or to the setbacks for them.
- 473 • J Paulsen said that he is opposed to the setbacks. He foresees many of our lots turning into flag lots, which
- 474 he doesn't like, and feels that setbacks are a key piece of [preventing that outcome]. He would vote no on
- 475 this ordinance for that reason.
- 476 • B Speth said that he is opposed to accessory dwelling units in general because they are so disruptive to
- 477 the character of the neighborhood. He felt that the only place that ADUs will work will be in old town
- 478 Providence, and they will be disruptive there. He would vote no on this ordinance for that reason.
- 479 • K Eck said that one reason the accessory dwelling unit issue came up was because we were required to
- 480 come up with other housing options [by the state]. We wanted the option to at least be on our books. She
- 481 felt that ADUs would more likely occur on 1 acre lots in the Hillsborough area, etc.
- 482 • J Paulsen said that on the right lot, an Accessory Dwelling Unit would work.
- 483 • K Eck asked what setback J Paulsen would propose.
- 484 • J Paulsen said he would only allow ADUs in an SFT zoned lot or larger. He would want at least a 20 ft
- 485 setback.
- 486 • J Sealy noted that with ADUs having the same setbacks as the primary residence, they can only be within
- 487 the area that the home could have taken in the first place. Someone could build a very large home and
- 488 take up all that space anyway.
- 489 • J Paulsen said that he recognizes that someone could tear down an existing home and build something
- 490 filling all of that space. He is concerned because ADUs will go into existing areas where the neighbors have
- 491 an existing expectation of the distance from their house to an inhabited structure.
- 492 • K Eck said that an ADU cannot be greater than half the size of the original home.
- 493 • S Bankhead said that the accessory dwelling unit also has a maximum size of [1200 sq ft].
- 494 • J Sealy asked whether if we removed accessory dwelling units we would need to come up with another
- 495 housing option.
- 496 • Mayor Drew said that we would. He asked how many accessory dwelling units have been built so far.
- 497 • S Bankhead said that two have been approved so far. She has had around ten other people come in and
- 498 try to work the numbers out for an accessory dwelling unit, but they were unable to meet the setback.
- 499 Some of them were on fairly large sized lots.
- 500 • J Paulsen said that some people want the ADU far from their house so that it doesn't take up the yard
- 501 space. He felt that those people should be willing to have the ADU near their house.
- 502 • S Bankhead said that the ones that she has seen have not worked at all, [regardless of whether it was near
- 503 or far from their house]. There was one woman who came into Planning Commission who had that issue,
- 504 however. We also have a rule that you cannot take up more than 25% of your rear yard with the
- 505 combined total of all accessory buildings. This can also make it difficult.
- 506 • B Speth asked about the Grandview area where there is no curb, gutter or sidewalk. If someone put an
- 507 accessory dwelling unit there, would we require improvements?
- 508 • S Bankhead said that we would not. It is the primary structure that triggers improvements.
- 509 • B Speth asked about putting the ADU in front of the house. S Bankhead said that she believes that the
- 510 code prohibits them being in front of the primary structure.
- 511 • Ralph Daniels of Providence noted that if we reduce the setback, ADUs will be permissible on more lots.
- 512 • J Sealy said that she is not opposed to finding another housing option besides accessory dwelling units.
- 513 She would like to revisit the housing choices.
- 514 • J Paulsen said that he would like to discuss the ADU setbacks at the next council meeting.
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517 action will be taken. The City Council may act on an item, if it arose subsequent to the posting of this agenda and
518 the City Council determines that an emergency exists.

- 519 • S Bankhead said that [House Bill 273, which is being considered by the State Legislature] has to do with
520 land use decisions. Currently, if a matter goes to the property rights ombudsman, and you disagree with
521 the decision and go to court, and the court rules for the property rights ombudsman, then you have to
522 pay attorney's fees. With the new bill, they are adding responsibility for punitive damages. For example, if
523 we turn down a subdivision for some reason, and the ombudsman says that the developer is in the right,
524 and we lose in court, we may have to pay millions in damages in lost time, etc. The bill would also remove
525 governmental immunity on land use decisions. This means that if we get challenged on a land use decision
526 and it goes to court, the officers of the city could be held personally liable.
- 527 • R Snow said that the bill would make the property ombudsman's office authoritative because there are
528 severe penalties for questioning them.
- 529 • Mayor Drew said that the League of Cities and Towns is against the bill. They fear that it could bankrupt
530 some of the smaller cities. Rep. [Val Potter] is also against the bill unless it is modified.

531
532 Kristina Eck:

- 533 • K Eck said spoke about the city celebration. She would like the council to email her their thoughts about it.
534 She brought up sauerkraut in Providence, and how the tradition has mostly disappeared. What is the
535 "why" for the city celebration? She felt that it is for community. It might be wiser to have other events,
536 such as concerts in the park in summer or celebrations based on baseball rather than our current
537 celebration. She also doesn't feel that the city celebration has been successful. She asked if the Council
538 would like her to explore the idea of making a change.
- 539 • J Paulsen said that he would like that. He felt that community engagement activities should not be
540 categorized with recreation activities. This is one reason he wanted to look at changing the recreation
541 document that was passed earlier in the meeting.
- 542 • J Sealy felt that we should make a change. She felt that the celebration was unsuccessful. She felt that the
543 car show was good, but she observed that most people attending were not from Providence.
- 544 • K Eck felt that the city celebration should not be in October due to the weather.
- 545 • K Eck said that she wishes we could have a sauerkraut dinner like before. However, many people who
546 appreciated that tradition are no longer around. The new generation doesn't have that tradition.

547
548 Carrie Kirk:

- 549 • C Kirk said that she went to Youth Council and it was great. We could help support the Youth Council by
550 recruiting more kids that want to be involved in creating fun events for younger children. The Youth
551 Council can play a role in creating a sense of community.
- 552 • C Kirk said that she would like to see a survey go out to the community about the city [celebration], etc.
- 553 • R Snow said that we can send it to people who have signed up for notifications. We can include it in the
554 newsletter. We can also get recreation email lists. We can advertise it at the movie theater, etc.
- 555 • C Kirk said that we should do a little survey about the celebration first, and then later do a big survey
556 about parks and recreation.
- 557 • R Snow said that we can create a small Survey Monkey survey on that topic. B Speth said that we can put
558 the reference in the city newsletter.
- 559 • B Speth suggested putting a fish pond behind the movie theater.
- 560 • C Kirk said that she would like to discuss purchasing land, but it will need to be done in an executive
561 session.
- 562 • Mayor Drew said that in the past, we had the Youth Council help with the sauerkraut. Mayor Drew still
563 has the contacts he would need and some of the equipment if we wanted to do it again.

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565 Josh Paulsen

- 566 • J Paulsen suggested that all councilmembers subscribe to ELCT to get legislative updates.

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568 Jeanell Sealy

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- J Sealy said that she attended the Cache County Library board meeting in January. They are exploring some things for “overdrive” right now.
 - J Sealy said that she has been in contact with the school principals. She is trying to pin down a land use agreement for the Uptown Park/Providence Elementary property.

574 Brent Speth

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- B Speth said that he attended two Historic Preservation Commission and two Cache County Emergency Management meetings. With the emergency management, he is thinking about how the goals and objectives apply to Providence. Emergency management has often come through wards of The Church of Jesus Christ of Latter-day Saints, etc. Some wards are functioning and some are not. There is a push going on right now for the residents to become certified.
 - B Speth said that the Historic Preservation Commission is planning to put a plaque about the railroad [at Zollinger Park]. They are also assembling a history of the water companies. They have been in contact with Utah State University and may have someone do a thesis project about it.
 - Mayor Drew reported that Logan City will disconnect from CCEMS.
 - B Speth asked if Logan’s withdrawal will affect us. Mayor Drew said that it will not.

586 Mayor Drew:

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- Mayor Drew said that the Commission on Housing Affordability has come up with a bill to provide \$10 million in permanent and \$20 million in one-time funding. However, it may not end up getting funded due to the tax reform bill being thrown out. Mayor Drew said that the Commission has mostly focused on low income/affordable housing rather than on the systemic issues in the housing market.
 - Mayor Drew said that the County Council sent our application and some other applications back to the COG committee. They want the cities that make applications to hold a public hearing. Mayor Drew said that there is too much politics that get involved with the County Council approving the COG applications, and some cities feel that they should not be the final say on distributing COG money.
 - Mayor Drew said the mayor’s association will meet soon to talk about emergency management.
 - Mayor Drew said that the plastic bag ban in Logan will be pushed back until July. Logan would like the County to come up with something county-wide regarding plastic bags.

600 **Executive Session Notice:**

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

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

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

- 607
- No executive session.

610 **Motion to close the meeting: — C Kirk, second — B Speth**

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

612 **Nay:**

613 **Abstained:**

614 **Excused:**

615 Meeting adjourned at approximately 10:00 PM

616 Minutes prepared by Jesse Bardsley

621 _____
John Drew, Mayor

Skarlet Bankhead, City Recorder