

1 **PROVIDENCE CITY COUNCIL MEETING MINUTES**

2 **July 14, 2015 6:00 p.m.**

3 **15 South Main, Providence UT**

4
5 Call to Order: Mayor Calderwood
6 Roll Call of City Council Members: Mayor Calderwood
7 Attendance: Bill Bagley, Ralph Call, John Drew, John Russell
8 Excused: Jeff Baldwin
9 Pledge of Allegiance: Mayor Calderwood

10
11 **Approval of the minutes**

12 **Item No. 1.** The Providence City Council will consider approval of the minutes of June 23, 2015 City Council
13 meeting.

14 **Motion to approve the minutes with the following corrections: J Russell, second - J Drew**

- 15 • Page 3 Line 37 - Seller had been asked to provide a warranty.
- 16 • Page 3 Line 40 10-8-2, read paragraph 2.E study before a public hearing.
- 17 • Page 3 Line 15 typo posted not posed.
- 18 • Page 4, Line 17 clarification owner of property at 200 W.

19 **Vote: Yea: B Bagley, R Call, J Drew, J Russell**
20 **Nay: None**
21 **Abstained: None**
22 **Excused: J Baldwin**

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

- 27 • No public comments.

28 Business Item No. 4 was discussed first.

29 **Item No. 4. Resolution 027-2015:** The Providence City Council will consider for adoption a resolution establishing
30 restrictions on the use of fireworks.

31 **Motion to adopt Resolution 027-2015: R Call, second – J Russell**

- 32 • B Bagley asked if this was essentially the same as last years' resolution and if the city parks were included
33 in the restrictions.
- 34 • S Bankhead said it was suggested by Brent Speth, Fire Inspector for Logan City Fire Department. It is more
35 simplified and makes the map unnecessary.
- 36 • R Eck commented that the ordinance prohibits fireworks in the city parks.
- 37 • B Bagley felt it was more general than what was covered in years past. He asked if it would cover
38 Sherwood. R Eck felt it would cover the areas near Sherwood Drive.
- 39 • R Call felt the resolution was too general without the map and it could be difficult to enforce.
- 40 • S Bankhead suggested adding "within 300 feet of vacant lots".
- 41 • R Eck suggested "combustible, dry, flammable material".
- 42 • R Call felt parts of the city should be identified by a map.
- 43 • S Bankhead said the current wording is more restrictive because it covers the downtown area which
44 wasn't covered by the map last time there was a restriction. She said the city could go back to using the
45 map.
- 46 • R Call asked if the map could be included with the wording of the resolution.
- 47 • B Bagley and J Drew also felt some parts of the city should be identified by the map, as well as the
48 language of the resolution.

49 **Motion to adopt resolution 027-2015 including the restriction map of 2013 as well as "combustible, dry,
50 flammable material": R Call, second – J Russell**

51 **Vote: Yea: B Bagley, R Call, J Drew, J Russell**
52 **Nay: None**
53 **Abstained: None**

1 **Excused: J Baldwin**

2 **Public Hearing 6:15 pm:** Prior to making a decision on vacating a portion of right-of-way (approximately 22 feet x
3 344 feet) along the east side of 300 East beginning generally at 260 south and ending at 200 South; and vacating a
4 portion of right-of-way (approximately 47 feet x 200 feet) along the south side of 200 South generally located at
5 350 East, the City Council is holding a public hearing. The purpose of the public hearing is to provide an
6 opportunity for anyone interested to comment on the proposal before action is taken. The City Council invites you
7 to attend the hearing in order to offer your comments.

- 8 • R Eck said when the Steve Baugh subdivision was approved, it was approved to a 66' right of way. Some of
9 the property owners approached the city and asked if the entire portion could be approved to a 66' right
10 of way. Property was surveyed and all affected property owners were contacted. They all agreed they
11 would like the property deeded to them and they would take the responsibility to keep it maintained. This
12 provides a well-defined true 66' right of way for the entire portion of road.
- 13 • Eric Gunnerson, 300 E. 200 S., said he was the one that instigated this. Survey markers are well into his
14 front yard if the 66' right of way is not vacated. He is in favor of this.
- 15 • B Bagley asked if this harms any individual or the city.
- 16 • R Eck said it did not. It just clarifies property lines.
- 17 • Jennifer Anderson lives across the street from Eric Gunnerson. She commented that the Gunnerson's take
18 excellent care of their property and is also in favor of vacating the right of way.
- 19 • John Howes lives on corner of 300 E. 200 South, wondering if there was a master plan that covers 300
20 South going north down the hill.
- 21 • S Bankhead said it is shown on the master plan list, but she is not certain of the details.
- 22 • J Howes asked if there was a plan to do any improvements on the west side of 300 South going down the
23 hill to the north.
- 24 • S Bankhead said not in the next two fiscal years.
- 25 • R Eck said a 66' right of way is what is intended to go in front of J Howes house. He offered to go to J
26 Howes home and identify pins and property markers.
- 27 • J Rutledge Jr. has a concern with the road and possible curb and gutter along it. He is opposed to curb and
28 gutter and has a concern that the water will just be shoot down the hill.

29 Mayor closed public hearing at 6:30 pm.

30 **Item No. 2. Ordinance No. 2015-017:** The Providence City Council will consider for adoption an ordinance vacating
31 a portion of right-of-way (approximately 22 feet x 344 feet) along the east side of 300 East beginning generally at
32 260 south and ending at 200 South; and vacating a portion of right-of-way (approximately 47 feet x 200 feet) along
33 the south side of 200 South generally located at 350 East.

34 **Motion to adopt Ordinance No. 2015-017 as stated: B Bagley, second – J Drew**

- 35 • R Call is generally opposed to the city vacating right of ways, but felt this was a good move to reduce the
36 right of way to 66'.

37 **Vote: Yea: B Bagley, R Call, J Drew, J Russell**

38 **Nay: None**

39 **Abstained: None**

40 **Excused: J Baldwin**

41 **Business Items:**

42 **Item No. 1. Discussion:** Dr. John Keith will discuss the proposed Cache County Water Conservancy District.

- 43 • Mayor introduced Dr. John Keith.
- 44 • Dr. John Keith said he is not opposed to a water conservancy district, but would like to see more analysis,
45 definition and discussion of whether or not Cache County needed one and how it should be formed. He
46 gave a brief review of why water conservancy districts were created. Explained the process of electing or
47 appointing board members. Discussed the cost/benefit of a water conservancy district, water rights and
48 allocations, functions of the district and alternatives to a WCD. He discussed the powers of a water
49 conservancy district versus irrigation districts. The question is, does the County want to levy taxes for a
50 WCD in order to be represented. He felt that establishing a WCD does not necessarily mean there will be
51 representation at any water board. He discussed Bear River Development Project. If a water conservancy
52 were developed, they would own the water rights for the Bear River Development Project. Once a water
53 conservancy board is established, it will be nearly impossible to disband. If a WCD is established, he felt
54 elections for board members/officials were essential and there should be restrictions.

- 1 • R Call asked how additional storage rights are acquired.
- 2 • J Keith said a reservoir or some type of storage facility has to be built.
- 3 • J Drew asked who owns the water rights now.
- 4 • J Keith said nobody does. It is undeveloped water.
- 5 • R Call asked if the county water department only owned Bear River water.
- 6 • J Keith said the county water department owns all waters in Cache County.
- 7 • John Hubbard, Providence/Blacksmith Fork Irrigation Company, commented that perhaps one reason a
- 8 WCD is never dissolved is because there may be a need for one. He feels water banking is viable in order
- 9 to restore and maintain ground water for pumping. Bob Fotheringham has been unable to have the
- 10 authority from the county water district to do that. Bob has been turned down by the state because there
- 11 is no water conservancy district in Cache County. John feels with the population trends and projections,
- 12 there needs to be management and conservation measures taken. He feels the irrigation company needs
- 13 financial support in order to keep providing drinking water to Providence and a conservancy could provide
- 14 not only financial support, but support at the state boards.
- 15 • J Keith said he would like to see more information made available. He does not feel there is a viable site in
- 16 Cache County to build infrastructure. He feels a cost/benefit analysis should be done before new
- 17 infrastructure is considered.
- 18 • Brent Speth, Vice President of Spring Creek Irrigation Company, said the company has a great filing, but
- 19 no diverting. When that water is not diverted there is no claim to it and it goes downstream and is gone.
- 20 Junior filings can come in and file over the top of earlier filings and lay claim to that water. Those filings
- 21 can come from anywhere on the Wasatch Front. At a future point in time, that water will be required and
- 22 will be gone. We have pristine water flowing out of Providence Canyon and we can easily supply the city
- 23 without the help of Blacksmith Fork, however, we don't have replacement water. The future will require
- 24 possible irrigation water from another source for secondary water and use the pristine water out of
- 25 Providence Canyon for drinking water. There will be some type of storage requirement and bringing
- 26 secondary water would be a reasonable exchange. Underground water is disappearing. There is capability
- 27 for underground storage in this valley. All the water that is not being diverted could receive a junior filing
- 28 and could stay within the valley. It would be very beneficial.
- 29 • J Keith said he wasn't sure if a conservancy would allow that type of an exchange any more than the
- 30 irrigation companies do. He also wasn't sure if a conservancy district was the only solution for that. B
- 31 Speth said they are the only ones that can file on it at this point simply because they have the capability to
- 32 file on it.
- 33 • J Hubbard said the county cannot file on water, but a conservancy district (elected representation) could
- 34 organize water holders and do that.
- 35 • B Speth said municipalities, irrigation companies, county water board can own water/irrigation rights, but
- 36 none of them can file on water rights. A conservancy could.
- 37 • J Keith felt if a conservancy district is formed, Logan would have to join; otherwise, there isn't enough tax
- 38 base to support it.
- 39 • B Speth said Spring Creek has no power with the legislature. The WCD would have that voice.
- 40 • B Bagley asked why there are six counties in the state that do not have a WCD.
- 41 • J Keith said for the same reasons Cache Valley hasn't; taxes without public control and perhaps that the
- 42 central part of Utah is very anti-government.
- 43 • B Bagley asked what impact a WCD would have on Blacksmith Fork and Spring Creek Water Company.
- 44 • J Keith said they would only have influence if they purchased shares or had exchanges, depending on
- 45 what kind of contracts and exchanges were made.
- 46 • Richard Eames said a number of years ago this subject came up and Blacksmith Fork dam being discussed.
- 47 • J Keith said that is no longer a consideration.
- 48 • Mayor Calderwood said the reason he asked Dr. J Keith to come and discuss this is because the city will be
- 49 approached for a vote on the conservancy district in a few months.

50 **Item No. 3. Ordinance No. 2015-016:** The Providence City Council will consider for adoption an ordinance
51 amending Providence City Code 10-8-5: Commercial Zoned Districts; Site Development and 10-8-6: Parking
52 Regulations.

53 **Motion to adopt Ordinance No. 2015-016: R Call, second – J Drew**

- S Bankhead said the purpose is to clean up and be more specific in the current commercial districts with landscaping and parking regulations. Also, currently, in a single family dwelling, you are required to park in a garage or an intended garage so it left many residents not following the ordinance.
- B Bagley commented on the reference to handicap parking. R Eck said in the MUTCD they are still referred to as handicap rather than individuals with disabilities.

Vote: Yea: B Bagley, R Call, J Drew, J Russell
Nay: None
Abstained: None
Excused: J Baldwin

Item No. 5. Resolution 023-2015: The Providence City Council will consider for adoption a resolution approving the franchise agreement for Comcast.

Motion to adopt Resolution 023-2015: J Russell, second – B Bagley

- S Bankhead said John Call reviewed the agreement. There as a very small error, which was immediately corrected by Comcast. John Call felt it was a very good agreement.
- Kirk Nord, representative from Comcast, addressed the Council.
- B Bagley asked about the exceptions to gross revenue.
- K Nord said the document today is only for video service. Franchise fee is only applied to video services. Internet or phone is not taken into consideration.
- B Bagley asked about warranty service contracts and if a portion of the service fees for those persons not covered by a warranty service contract would be diverted to the city.
- K Nord said usually not.
- J Russell asked about the length of the last term and if an audit or review was ever done.
- S Bankhead said it was 15 years. Audits or reviews have not been done, but they can be done if requested by the Council.
- R Eck commented that the city has a great relationship with Comcast.
- R Call asked what the annual revenue was from the franchise.
- S Bankhead will get that information to the Council. They are assessed quarterly.
- R Call wanted to know what the annual revenue was and felt there needed to be occasional audits.
- K Nord said Comcast would be happy to provide revenue information and is not opposed to audits.

Vote: Yea: B Bagley, R Call, J Drew, J Russell
Nay: None
Abstained: None
Excused: J Baldwin

Item No. 6. Resolution 024-2015: The Providence City Council will consider for adoption a resolution approving the Providence City Cash Management Policy.

Motion to adopt Resolution 024-2015: B Bagley, second – R Call

- S Bankhead said there has been a control in place, but at a recent treasurer’s conference attended by Beth Munson, the City Treasurer, there were suggestions on how to improve cash management.
- J Drew asked if the city does handwritten receipts. He would like to add that the word “immediately” be added to the notification of any loss or theft. He would also like “delinquent status” added to customer payment information. S Bankhead will check GRAMA to see if it can be added.
- J Russell also felt like there should be a statement indicating that personal information will not be divulged.
- R Call asked how much income the city takes in monthly by check and cash.
- S Bankhead said most of the income is managed through credit cards. All cash transactions require a receipt.
- R Call asked how much city business is conducted online.
- S Bankhead said about 60%.
- J Drew asked about safe keeping. S Bankhead said all monies are kept in the safe overnight.

Vote: Yea: B Bagley, R Call, J Drew, J Russell
Nay: None
Abstained: None
Excused: J Baldwin

1 **Item No. 7. Resolution 025-2015:** The Providence City Council will consider for adoption a resolution approving the
2 fee for Not Sufficient Fund returns.

3 **Motion to adopt Resolution 025-2015: J Russell, second – J Drew**

- 4 • J Russell asked what the city is being charged for returned check fees.
- 5 • S Bankhead said the City is only being charged \$5. Bank of Utah is working with the City to keep fees
6 down. State code allows for check amount and a \$20 service fee. Currently the City charges \$15.

7 **Vote: Yea: B Bagley, R Call, J Drew, J Russell**
8 **Nay: None**
9 **Abstained: None**
10 **Excused: J Baldwin**

11 **Item No. 8. Resolution 021-2015:** The Providence City Council will consider for adoption a resolution amending the
12 Providence City Personnel Policy Section 9 Retirement, by classifying appointed officials as full-time or part-time
13 dependent upon the position.

14 **Motion to approve Resolution 021-2015: R Call, second – J Drew**

- 15 • S Bankhead clarified the changes in this resolution since it was before the Council at last meeting.

16 **Vote: Yea: B Bagley, R Call, J Drew, J Russell**
17 **Nay: None**
18 **Abstained: None**
19 **Excused: J Baldwin**

20 **Item No. 9. Resolution 026-2015:** The Providence City Council will consider for adoption a resolution approving an
21 Interlocal Agreement with the Cities of Logan, Nibley, Providence, River Heights, North Logan, Hyde Park, and
22 Smithfield creating regional wastewater treatment rate committee.

23 **Motion to approve Resolution 026-2015: R Call, second – J Russell**

- 24 • Mayor said this is to form a committee to study/consider rates. It does not prevent other options from
25 coming before the Council.
- 26 • J Drew asked if contractually the City was locked into a 5.5% fee. Mayor said yes.
- 27 • R Call asked if the term was 30 years. Mayor said yes.
- 28 • B Bagley asked if the revenue debt service requirement was an outstanding bond that Logan has at this
29 point. Mayor said there was just the one bond that we are responsible for.
- 30 • Mayor said if the cities don't think the rates are fair and equitable, the taxpayers can hire consultants who
31 will make assessments, but Logan has 67% of the vote so if they don't like the recommendations they
32 don't have to accept anything.
- 33 • B Bagley said this is not set in stone and options are still available.
- 34 • Mayor cautioned the Council that if they vote no, they had better have viable options for waste water.
- 35 • J Drew said it does not address the collection system which is a concern. Treatment rates are the same for
36 all cities, but collections could be manipulated. He has concern that there will be higher charges for
37 collection.
- 38 • Mayor's said we will look at the collection in detail and why our costs are what they are. Collections need
39 to be addressed no matter what happens.
- 40 • B Bagley asked if this needed to be acted on tonight. Mayor said it did not and could be continued.
- 41 • R Call didn't think anything was going to change and felt it could be voted on tonight and would help to
42 freeze the agreement.
- 43 • S Bankhead said page 11, item 25, establishes the rate committee. This is not the waste water treatment
44 agreement.

45 **Vote: Yea: B Bagley, R Call, J Drew, J Russell**
46 **Nay: None**
47 **Abstained: None**
48 **Excused: J Baldwin**

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

50 R Eck:

- 51 • Attended meeting today with the group that is working on the Cache County Water Plan. Dr. Keith said
52 the water conservancy district will have taxing ability and the majority of the board has to be elected.

1 That is contrary to what was said today at the meeting. Half the Board needs to be elected and if the
2 Board goes with their maximum taxation of \$2M, taxable property in Cache County for a property valued
3 at \$188,000 would be an assessment of about \$1.72/month. Representative Curt Webb was in
4 attendance and commented that if you wanted to be heard on the Hill, you'd better come with a District.

- 5 • Millville is currently recharging ground water. They have had some success in it. Nitrate levels in one of
6 our wells skyrocketed. The state engineers are sampling our wells trying to figure out why. Brigham City is
7 currently recharging water. They are one of the largest in the state doing that. During the winter when we
8 have excess water, we could be recharging our ground water.
- 9 • B Bagley commented that around the service station, on the other side of the building, the weeds need to
10 be taken care of in the city parkway. R Eck said what is in the city right of way will be taken care of.

11 S Bankhead:

- 12 • She does look at dog licenses every month and if there are discrepancies they are taken care of.
- 13 • Invoice register for June was sent to the Council previously.
- 14 • Executive Review Staff – there has been a boundary line adjustment request made to the City, 12-15
15 acres, southeast end of town to be made a part of Millville. No formal application has been made. She
16 asked the Council if they were in favor of losing this property. The Council was not in favor.
- 17 • Ballots have been mailed out and residents should be receiving them in the mail. Residents may vote for
18 up to three (3) candidates for City Council.

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

- 22 • J Russell – no report.
- 23 • R Call – no report.
- 24 • J Drew – no report.
- 25 • B Bagley – no report.
- 26 • Mayor said last week he and Skarlet met with Nibley and Hyrum. Nibley is reconsidering the interlocal
27 agreement with Hyrum, Providence and Nibley. We will be meeting with them again on July 22, 2015 and
28 Hyrum will have firm numbers on the buy-in. This will be on the agenda with DWQ for their August
29 meeting.

30 Next City council meeting will be July 21, 2015.

31 No executive session.

32 **Motion to adjourn: R Call, second – J Drew**

33 **Vote: Yea: B Bagley, R Call, J Drew, J Russell**

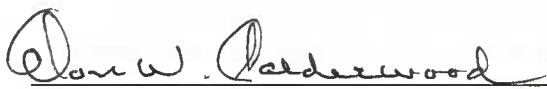
34 **Nay: None**

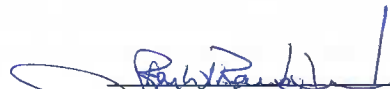
35 **Abstained: None**

36 **Excused: J Baldwin**

37 Meeting adjourned at 8:20 pm.

38 Minutes recorded and prepared by C Craven.

39
40
41 
42 _____
43 Don W. Calderwood, Mayor

41 
42 _____
43 Skarlet Bankhead, City Recorder