

1 **PROVIDENCE CITY COUNCIL MEETING**
2 **15 South Main, Providence UT**
3 **January 27, 2015 6:00 pm**
4

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

10
11 **Approval of the Minutes:**

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

14 **Motion to approve the minutes of January 13, 2015, with the following corrections: J Russell, second –**
15 **J Drew**

- 16 • Page 4, Strike the item No. 2.
- 17 • Page 4, Line 17 – rights
- 18 • Page 6, Line 42-43 Ralph Call suggested getting a new representative (after J Drew before S
19 Bankhead)
- 20 • Page 6, Line 32 - Council was not yet in executive session.
- 21 • Page, 6 Line 41 - Advocacy group

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

23 **Nay: None**

24 **Abstained: None**

25 **Excused: None**
26

27 **Item No. 2.** The Providence City Council will consider approval of the minutes of January 20, 2015 Joint
28 Council meeting with Hyrum City and Nibley City.

- 29 • These minutes were not approved as the city has not yet received the minutes from Hyrum or
30 Nibley City.

31
32 **Public Comments:** Citizens may appear before the City Council to express their views on issues within
33 the City's jurisdiction. Comments will be addressed to the Council. Remarks are limited to 3 minutes per
34 person. The total time allotted to public comment is 15 minutes The City Council may act on an item, if it
35 arose subsequent to the posting of this agenda and the City Council determines that an emergency
36 exists.

- 37 • Ariel Blair – has a concern about the lack of continuous sidewalks in Providence. This is an issue
38 for the elderly. Her father lives at Cache Valley Assisted Living. Second issue is the concern of
39 light pollution at night.
- 40 • B Bagley said flags flown at night are required to be lit and also when Macey's went in there
41 were modified light requirements at the gas pump canopies. He commented that the Planning
42 Commission, DRC and the City Council are very aware of light pollution and try to remedy it
43 when possible.

44 **Item No. 1. CLG Grant Proposal.** The Providence City Council will consider a proposal from the
45 Providence City Historic Preservation Commission to apply for a 2015 Certified Local Government (CLG)
46 grant.

47 **Motion to consider a proposal for CLG Grant: J Baldwin, second – B Bagley**

- 48 • Chalene McGrath, HPC Chairman, presented the Historic Preservation Commission's request for

1 funds to do intensive level surveyys for the following:

- 2 ○ Old gas station, Watkins print shop, Theurer’s Grocery Store, old post office, and
- 3 railroad. Cost estimate is about \$4,200.
- 4 ○ Walking tour and pamphlet revamp – new graphics, change the maps to make it easier
- 5 to read and eventually get CVDT to volunteer a bus to conduct people through the tour.
- 6 ● Howard Christenson, HPC member, commented on his visit to Brigham City Office Building. They
- 7 have a lot of historic pictures in their building and he would like to have some historic pictures
- 8 framed and mounted in the City Council Room. He has about 100+ historical pictures to choose
- 9 from. Each frame will hold 3 pictures and there will be a plaque describing the pictures.
- 10 ● The City’s contribution will either be cash or hours in kind. The city pays for the projects and the
- 11 CLG will reimburse.
- 12 ● R Call said he generally opposes government grants and feels the money could be raised from
- 13 private sector. He would like to see the citizens be involved. Providence Heritage Corporation
- 14 still has funds available and he prefers turning this project over to them and let them pay for it.
- 15 ● H Christenson said that the HPC was considering doing a monument for the school bell, but that
- 16 doesn’t qualify for the CLG grant and proposed that the Providence Heritage Corporation use
- 17 their funds for the bell project.
- 18 ● J Russell said he was willing to approach Kathleen Alder, of the Providence Heritage Corporation,
- 19 for support for these projects. Next City Council meeting will be in two weeks. There will be time
- 20 to approach her before the grant submission is due in February.
- 21 ● C McGrath asked about the HPC being a fund raising commission.
- 22 ● S Bankhead said HPC is not supposed to be raising money. She said we need to make sure the
- 23 City follows state requirements for getting homes on the historic register.

24 **Motion to continue to Feb 10 meeting: J Russell, second – J Drew**

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

26 **Nay: None**

27 **Abstained: None**

28 **Excused: None**

29
30 **Item No. 2. Verizon Agreement.** The Providence City Council will consider a Land Lease Agreement with
31 Verizon Wireless (VAW) LLC.

32 **Motion to consider a Land Lease Agreement with Verizon Wireless, LLC: J Baldwin, second – B Bagley**

- 33 ● Nefi Garcia, with Technology Associates, contracts with Verizon Wireless for the states of Utah
- 34 and Idaho. He has been working with counsel to put this agreement together. Pending issue is
- 35 on the rental increase amount. Verizon is offering 10% increase/term. Each term is 5 years. Legal
- 36 counsel was concerned this would not keep up with inflation.
- 37 ● R Call was concerned about Verizon’s option to cancel, but the City cannot does not have the
- 38 same privileges. He feels it should be a balanced agreement. B Bagley and J Baldwin also
- 39 expressed the same concern.
- 40 ● N Garcia said this is because Verizon takes all the financial risk so they hold firm that the City
- 41 cannot cancel the contract, while Verizon retains the option. In the 18 years he has been doing
- 42 this, Verizon has only cancelled one contract.
- 43 ● R Call felt the City needed this leverage. He feels it should be a more balanced agreement.
- 44 ● B Bagley wondered if this was out of order since the rezone has not happened at this point.
- 45 Currently cell towers are not allowed in the SFT zones.
- 46 ● S Bankhead said the city’s thought is that if the lease doesn’t work, there’s no point in going
- 47 through all the work for a rezone.
- 48 ● B Bagley also asked about another company piggy-backing on the tower. He expressed that if

1 Verizon increases rent of income on a on a tower, so should the city.

- 2 • N Garcia said possibly an agreement could be reached where the city has sub-lessor rights.
- 3 • N Garcia also said whatever concerns legal counsel had have been addressed in the new
- 4 agreement.
- 5 • J Baldwin asked about Verizon’s right to walk out of the contract for no reason.
- 6 • N Garcia said if Verizon walks, they are responsible to remove the equipment.
- 7 • R Call felt the agreement leaves the city exposed.
- 8 • B Bagley felt there was too much risk for the City.
- 9 • J Baldwin commented that profits and tax benefits reduce the risk for Verizon, while the City
- 10 doesn’t have any way to reduce risk.
- 11 • B Bagley asked about the access road. N Garcia said he has had conversations with Randy Eck
- 12 will work with him to make sure the city is happy with the access road.
- 13 • S Bankhead said the city will give up some of the storage yard space for the access road.
- 14 • J Baldwin said he had concerns about tying up the space in a lease before any revenues are
- 15 received.
- 16 • N Garcia said that time frame will allow for rezone and to make sure all state and federal
- 17 requirements are met for development.
- 18 • B Bagley asked about the design of the tower and N Garcia said it will be a mono-pole.
- 19 • N Garcia said he just went through this process with Mendon and suggested members of the
- 20 Council talk to them. He feels the City would benefit from this tower.
- 21 • J Baldwin felt the income would be good, but felt the City needed more latitude.
- 22 • R Call does not agree with the 2% interest rate over 20 years. It needs to be indexed or
- 23 negotiated or reset every 5 years. He does not like the idea of the City being tied to this contract
- 24 while Verizon holds all the cards. He favors the tower, but feels the agreement needs to be
- 25 more balanced.
- 26 • N Garcia felt like the city and Verizon could come to a comfortable and fair solution. He asked if
- 27 the City would be willing to put in half the money for this tower.
- 28 • B Bagley would like to see language regarding the sub-lease.
- 29 • J Russell felt the entire council was in favor of the tower, but the indexing rental fee, an opt out
- 30 on the City’s behalf and the subleases need to be addressed.
- 31 • N Garcia suggested Verizon’s attorneys draw up a new lease agreement; then let the City
- 32 attorney review it in regards to the Council’s concerns.

33 **Motion to continue the Verizon Land Lease Agreement: B Bagley, second – J Baldwin**

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

35 **Nay: None**

36 **Abstained: None**

37 **Excused: None**

38
39 **Item No. 3. Ordinance No. 2015-005.** The Providence City Council will consider for adoption an
40 ordinance amending Providence City Code Title 7 Public Ways and Property, Chapter 6 Canals and
41 Watercourses by amending Section 2 Cleaning and Repair.

42 **Motion to adopt Ordinance No. 2015-005: J Russell, second – J Drew**

- 43 • J Baldwin question about the maintenance of the irrigation ditches being the responsibility of
- 44 property owners. He feels it is the responsibility of the canal company.
- 45 • R Call said when grates get clogged up the canal company usually does not know that, so the
- 46 homeowner needs to take some responsibility for keeping the ditches/grates cleaned out.
- 47 • If the city is responsible then the city needs more staff, if the irrigation company is responsible,

1 they need more staff. The homeowners can take some of this responsibility. Similar to sidewalks
2 in front of homes.

- 3 • This covers storm water and irrigation water.
- 4 • S Bankhead said this is more than just grates. There are many ways where property owners can
5 be responsible for the ditch and if they are responsible, hopefully, they will take more care and
6 paying attention to the ditch and what goes into it or keeping it clean of grass, leaves, toxins,
7 etc. Council received email from John Hubbard regarding penalties, but didn't mention what the
8 penalties were. This is more comprehensive than just the irrigation season so people need to be
9 aware all year long.
- 10 • R Call warned about penalties. He felt this change should be more in the spirit of keeping things
11 cleaned up rather than assessing penalties.
- 12 • S Bankhead said this could be listed as class C infraction, as listed in Title 1 of the code.
- 13 • J Baldwin asked about maintenance of the ditch verses repair of the ditch. Where do we draw
14 the line?
- 15 • R Call felt it is reasonable to expect the canal company to keep the ditch in good repair while the
16 property owner can be responsible to keep the ditch clean of debris. J Russell agreed.
- 17 • J Russell asked what initiated this.
- 18 • S Bankhead said Mr. Hubbard has been trying to get compliance to the existing ordinance during
19 irrigation season. Also, after meeting with the state on our storm water, there are areas of our
20 ordinance that need to be more specific and this is one of those areas. This will come back as
21 there is more work to do.
- 22 • John Hubbard (Blacksmith Fork Irrigation Company) addressed the council. President and
23 directors of BFIC are also in attendance. Huge issue with storm and irrigation water. They utilize
24 the same system. Document – agreement between Logan, No. Logan, Hyde Park and Smithfield
25 and the associated irrigation canals. Interested in getting an agreement with the city to establish
26 a working relationship. Our budget = \$34,000/year. They spend a lot of money doing
27 maintenance, but they cannot manage storm water. After the accident in Logan where people
28 died, their insurance went up. Two of the last three winters have been spent trying to divert
29 storm water. High school is coming in and we're getting proposals from municipalities to budget
30 for storm water management. We have no authority, but municipalities do. Irrigation companies
31 are 100% responsible for maintenance and delivery; cities and counties 100% responsible for
32 designing storm water run-off issues, maintenance is split between the irrigation company and
33 the governments. Not possible to separate the storm water and irrigation water. Asked the
34 Council to read the agreement between the cities as a model to plan for the city. Laterals are
35 not maintained by the canal company.
- 36 • S Bankhead said there should be no confusion between Spring Creek Water Irrigation Company
37 and Blacksmith Fork Irrigation Company. Spring Creek laterals are the responsibility of Spring
38 Creek Water Company.
- 39 • Brian Olsen commented on the problem of weeds in the ditches last year. Because of this there
40 was a lot of lateral flooding. That was during the winter when the canal company's insurance
41 was off. They will help, but the storm water lateral is the responsibility of the city. The
42 homeowners need to keep the ditches clean; the homeowners need to be educated. The city
43 needs a document that is firm and spells out responsibility.
- 44 • S Bankhead said this is what the document in the red ink addresses. Currently, in our code the
45 homeowner is only responsible during the irrigation season. They need to keep the ditches clear
46 of debris year-round.
- 47 • S Bankhead said we need to be careful with our MS4. People cannot be dumping into the
48 system.

- J Baldwin asked about run off from a large roof.
- S Bankhead said that run off is not water being pumped into the ditch.
- Mayor said this is just a start and asked the Council for approval tonight.

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

Item No. 4. Discussion. The Providence City Council will discuss the proposed Hyrum/Nibley/Providence wastewater treatment facility.

- Joint Council meeting last week - January 20, 2015.
- J Baldwin commented that he thought the engineer was suggesting we don't spend the extra money for the secondary water, but that seems short-sighted. It would take the demand off our culinary water. He felt that in the future we might need pressurized irrigation so we aren't draining our culinary water supply so rapidly.
- R Call also felt there would be a time when we wouldn't be able to waste water in flood irrigation.
- Mayor said just to pipe from Providence to Hyrum was about \$1.7 million. One of the challenges is to work with this proposal to get the cost close enough to what we think may come from Logan. Tomorrow Skarlet and J Drew will go to SL to talk to Suzie Becker from Zion's Bank to see what other options are available rather than operating off the 4% quote The six cities have banded together to come up with an inter-local agreement with Logan to use Logan's system. If an inter-local agreement can be worked out, it would probably be the best way to go.
- J Drew proposed alternatives to a pipeline to use reclaimed water for irrigation water. Rather than build a pipeline an arrangement can be made with Hyrum where they keep a portion of Providence reclaimed waste water in exchange for some of their water out of the Blacksmith.
- S Bankhead said a feasibility study needs to be done for a pressurized system. People won't pay more for irrigation water than the culinary water.
- Mayor Calderwood said the total cost needs to be a little lower or we will have a difficult time selling this idea to the citizens. There will be a rate increase no matter what.
- J Baldwin felt like educating the citizens was very important because if they decline an inter-local agreement, then Logan has leverage to increase fees. The smart thing to do is send waste water to a plant we have some control over. Rates will go up regardless.
- J Drew said Logan's advantage is the sheer volume of water it treats. Smaller plants are a disadvantage because it will cost the same to treat smaller amounts of water.
- R Call said in his experience, estimates are always low. When we get to actual, we could be low in our calculations. He does not like being obligated to Logan, but feels the numbers with Hyrum and Nibley would be higher.
- Mayor we have until April then we should know one way or another.
- J Drew said the meeting in Salt Lake will be a meeting to look at different options and the costs associated with said options to see if the numbers come down.
- B Bagley asked if Zion's was the only bank looked at for financing. There are other options available for financing.
- Mayor said the positive is that the City is looking into options. Hyrum's facility is the best in the state for water treatment.
- R Call feels the inter-local agreement would be the best option.

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

- 2 • S Bankhead – Commented on Randy Eck’s report.
 - 3 ○ After storm water audit, Randy and Skarlet went through the report to resolve
 - 4 deficiencies in a systematic manner. Documents have been submitted for the council to
 - 5 consider for adoption.
- 6 • S Bankhead submitted financial report for last week.
 - 7 ○ For recreation we are trying to go online for registration for parks and rec activities, but
 - 8 so far we are still working out some of the bugs in the system.
 - 9 ○ We have a great group of volunteers at the organization level. Some of the staff
 - 10 responsibilities will go to volunteers rather than staff. Rec program is moving in a good
 - 11 direction. Rachel Hanks, director of Fun in the Sun Program, she has a great season
 - 12 planned for that.
 - 13 ○ Trying to get the snack stand opened and operating more consistently than in the past.
 - 14 The person who intends to run the snack stand has asked about getting more sauerkraut
 - 15 to sell in the snack stand.

16
17 **Council Reports:** Items presented by the City Council members will be presented as informational only;
18 no formal action will be taken. The City Council may act on an item, if it arose subsequent to the posting
19 of this agenda and the City Council determines that an emergency exists.

- 20 • J Baldwin – A citizen approached him about sidewalk at Fruitland Acres sign. The citizen would
21 like a sidewalk because their children are walking in the street. This person was encouraged to
22 attend the meeting tonight, but is not here. B Bagley said there is a sidewalk on the other side of
23 the street. Jeff will attend PC meeting tomorrow night.
- 24 • J Russell – no comment tonight.
- 25 • R Call has a concern of people forwarding emails without the permission of the originator of the
26 email. He asked the Council to be mindful of forwarding emails and getting permission from the
27 originator first. If the City continues the car show, he would like to see that starting now. He is
28 currently not addressing the deer issue. DWR asked the city to do a survey and also pass a no-
29 feeding ordinance. That has not been done so far. DWR said they would fix the fence, but it has
30 not been done.
- 31 • J Drew – he and B Bagley have been asked by the Mayor to draft a resolution for the state
32 legislature regarding transportation tax. He contacted Curt Webb and he and Skarlet had a
33 meeting with him regarding the tax. He and Skarlet are going to SLC regarding the inter-local
34 agreement and possible options.
- 35 • B Bagley asked about the smoke shop. S Bankhead said the citizen does not appear to be
36 breaking any city code at this point. Law enforcement has been notified that there are concerns.
- 37 • Mayor Calderwood – comments.
 - 38 ○ CMPO meeting last night. Utah Transportation Coalition. Providence did not join. Mayor
 - 39 will encourage all Mayors in the south end of valley to carefully consider before joining
 - 40 the coalition.
 - 41 ○ This Friday supposed to receive board approved agreement from Spring Creek Water
 - 42 Company.
 - 43 ○ He and Skarlet met with rep from Cache Valley Transportation Board (Alma Leonhardt).
 - 44 He will be here next month. Any questions should be submitted to the Mayor to be
 - 45 forwarded to him in advance. He encouraged council to be professional in questions
 - 46 submitted. Mayor receives agenda from the CVTD board so he knows what is being
 - 47 discussed at the meetings.
 - 48 ○ Opening on PC for alternate. Will accept any suggestions as long as the person being

1 suggested has no ties to real estate or development. Terms are also up for two
2 Commissioners later this year.

- 3 ○ Gave J Baldwin time to further look into nuisance ordinance.
- 4 ○ Radon meeting. Bear River Health Department representative needs 50 -80 people to
5 attend. The woman concerned has a kit and is checking levels in her own home.

- 6 ● S Bankhead also commented that three terms will expire on the Council this year. The county
7 elections this year were done by mail and one reason is the expense to continue electronic
8 elections is not an option. City is considering looking at a by-mail election. A little over 3,000
9 registered voters. Discussed costs that will be affixed with by-mail voting. County will work with
10 us as far as voter qualification, laptop for looking up registrations, etc. Statistically, by-mail
11 voting increases turn out. She would like the Council to consider by-mail voting.

12
13 **Executive Session:**

14 **Item No. 1.** The Providence City Council may enter into a closed session to discuss land acquisition or
15 the sale of real property Utah Code 52-4-205(1) (d) and (e).

16 **Item No. 2.** The Providence City Council may enter into a closed session discuss pending litigation Utah
17 Code 52-4-205(1) (c).

18 **Item No. 3.** The Providence City Council may enter into a closed session as allowed by Utah Code 52-4-
19 205(1) (a).

20 **Motion to enter Executive Session for reasons stated above: R Call, second – B Bagley**

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

22 **Nay: None**

23 **Abstained: None**

24 **Excused: None**

25
26 **Motion to adjourn: J Baldwin, second – R Call**

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

28 **Nay: None**

29 **Abstained: None**

30 **Excused: None**

31 Minutes recorded by S Bankhead and prepared by C Craven.

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35
36 _____
Don W. Calderwood, Mayor

Skarlet Bankhead, City Recorder