

1 **PROVIDENCE CITY COUNCIL MEETING MINUTES**
2 **April 30, 2019 6:00 PM**
3 **Providence City Office Building, 164 North Gateway Drive, Providence UT**

4
5
6 Opening Ceremony:
7 Call to Order: Mayor Drew
8 Roll Call of City Council Members: Mayor Drew
9 Attendance: B Fresz, R Sneddon, K Eck, D Giles, K Allen
10 Pledge of Allegiance: Mayor Drew
11 Opening Remarks – Prayer: None

12
13 **Approval of the minutes**

14 **Item No. 1.** The Providence City Council will consider approval of the minutes of April 9th, 2019

15 **Motion to Approve the Minutes of April 9th, 2019 – R Sneddon, second– K Eck**

16 **Vote:**

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

18 **Nay:**

19 **Excused:**

20 Discussion:

21 -Pg 5 Line 255 Swale

22 -Pg 8 Line 380 meeting together

23 -Pg 8 Line 372 legislative decision support

24

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

- 29
- 30 • Frank Montoya Jr, of Providence spoke about the Chugg property. Providence City Code 10-5-1 says that a
31 conditional use permit is required to develop areas with hazardous water tables, where potential ground
32 water levels may occur within 12 feet below grade. He was concerned that the city council has not done
33 due diligence regarding the water tables. He spoke as a representative of a group of citizens called the
34 Public Issues Committee. He noted that the suggested development has been changed since the feasibility
35 study. Therefore, the study may be invalid. The Public Issues Committee believes that no development
36 should be done until another expert study has been done. He mentioned the requirement that no more
than 40% of the development be covered with buildings or roads. He left documents for the record.

37 **Business Items**

38 **Item No. 1 Agreement:** The City Council will consider approving the Heninger Agreement.

39 **Motion to continue to May 14 –D Giles, died for lack of a second.**

40 **Motion to approve the agreement – R Sneddon, second – B Fresz**

41 **Yea: B Fresz, R Sneddon, K Eck, K Allen**

42 **Nay: D Giles**

43 **Excused:**

- 44
- 45 • Mayor Drew reported that Chad Woolley, City Attorney, is not necessarily advocating for the agreement,
but believes that if the case goes to court, the city would lose more than if they accepted the agreement.
 - 46 • D Giles felt that the council should go visit the site. He believes that the city may be giving too much. The
47 Heningers will not have to move the entire foundation, as was previously thought.
 - 48 • R Sneddon felt that although it is a lot of money, it is less than what we would pay if we went to court.

49 **Item No. 2. Ordinance No. 2019-009:** The Providence City Council will consider for adoption an ordinance changing
50 the name of 500 North between 300 East and Sarah Street to Spring Creek Parkway; and changing the name of 800
51 East between Eagleview Drive and approximately 100 North to Sherwood Drive.

52 **Motion to approve the ordinance — B Fresz, second — K Allen**

53 **Vote:**

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

55 **Nay:**

56 **Excused:**

- 57 • S Bankhead explained that usually, we try to use numbered streets for ease of use. But when streets
58 curve, it is hard to keep the numbers consistent. It makes sense here to have Spring Creek Parkway
59 continue.

60

61 **Item No. 3. Resolution 013-2019 Planning Commission Alternate:** The Providence City Council will consider for
62 adoption a resolution reappointing Rowan Cecil as a member of the Planning Commission and appointing Sharon
63 Johnson as a Planning Commission Alternate.

64 **Motion to approve— K Allen, second — R Sneddon**

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

66 **Nay:**

67 **Excused:**

- 68 • Mayor Drew explained that R Cecil has asked to be considered for another term. There are two seats that
69 are open. One is R Cecil's seat, and one is a seat for an alternate.

70 **Item No. 4. Resolution 012-2019 Standards and Specifications Manual:** The Providence City Council will consider
71 for adoption a resolution amending The Providence City Public Works Standards and Specifications Manual by
72 amending drawing C-1A Downtown Street Cross-Sections.

73 **Motion to Approve: —B Fresz, second— D Giles**

74 **Yea: D Giles, R Sneddon, B Fresz**

75 **Nay: K Allen, K Eck**

76 **Excused:**

- 77 • Brian Olsen explained that he has done work for Blacksmith Fork Irrigation company, and that this helped
78 him see some of the problems with our current downtown street standards. He is concerned with how
79 the current curb and gutter ordinance integrates with canals. He would like the water flow to be
80 consistent. With the current ordinance, some areas would have water flow directly into ditches and
81 canals, and some areas would flow down the street and have nowhere to go.
- 82 • S Bankhead explained that the current cross-section requires curb and gutter on some streets in the
83 downtown area. On some, it does not. This applies to anyone that builds on that street, whether they
84 subdivide or not. On the designated streets, the builders would also be required to extend the asphalt to
85 the curb and gutter at the proper width. The proposed change would reduce the number of streets that
86 are designated for curb and gutter. She explained that there will still be maintenance costs associated
87 with streets that have no curb and gutter.
- 88 • K Eck asked if when we have put in curb and gutter, we have also put in a drain at the end of that section
89 to give the water somewhere to go.
- 90 • R Stapley explained that usually the water is designed to go somewhere. There are some problems that
91 could occur with curb and gutter, but they would be solvable.
- 92 • M Pierce, City Engineer, explained that he has not looked at this proposal in detail. He thinks that the
93 current cross-sections are fine. The new ones are probably fine also. However, he does not like changing
94 the cross-sections every few years.

- 95 • B Olsen explained that engineering studies about the costs, feasibility and storm water implications of
- 96 curb and gutter were not done when the current cross-sections were approved. He would like to see a
- 97 clear vision for curb and gutter. If we are going to do curb and gutter, we should plan on doing the entire
- 98 city with curb and gutter. He believes that the current ordinance is flawed. He explained that the cost of
- 99 putting in curb and gutter near canals in the downtown would be large.
- 100 • K Eck questioned whether this plan would save the city money. Currently, we require curb and gutter to
- 101 be put in on some streets. That is less curb and gutter that the city will have to put in eventually.
- 102 • R Stapley explained that usually, the water will end up where it has usually gone. If you put in curb and
- 103 gutter, the water will usually flow into the same ditch further down the road. When a problem has arisen,
- 104 we have addressed it by piping it to another location or putting it into a sump.

105
 106 **Item No. 5.Budget:** The Providence City Council will discuss including but not limited to allocations for a Water
 107 Department Employee, City Manager and outsourcing Human Resources.

- 108 • Mayor Drew explained that we have overspent on employee benefits but underspent on salaries and
- 109 wages.
- 110 • Mayor Drew explained that the justice court is revenue positive. Revenue has gone down, but operating
- 111 expenses have also gone down.
- 112 • K Allen asked why the justice court operating expenses have gone down.
- 113 • S Bankhead explained that we pay a surcharge on all of the fines. If revenue from the fines is down, the
- 114 surcharge also goes down. This surcharge is categorized as an expense.
- 115 • B Fresz noted that we pay a lot for street lights.
- 116 • Mayor Drew asked about funds that are being brought forward from last year.
- 117 • S Bankhead explained that in the general fund, we brought \$260,000 forward. \$230,000 was for the
- 118 cemetery, and \$30,000 was for general allocation.
- 119 • We also brought some prior year impact fees forward for parks and included them in our budget. \$15,000
- 120 is in our budget for a fence for a proposed dog park at 285 North Spring Creek Parkway, \$14,000 is for turf
- 121 and sidewalk improvements in the Zollinger subdivision on 325 West, \$30,000 is for the 400 South Main
- 122 park, and \$160,000 is for Hillcrest Park. Those numbers include money that was brought forward as well
- 123 as current-year money. For RAPZ funds, we had \$60,000 from our 2017 award that we proposed to bring
- 124 forward. We also brought forward \$30,000 from our 2018 award. By combining those, we will allocate
- 125 \$90,000 to go towards the softball field improvement and lighting project.
- 126 • We have purchased the softball lights. Hopefully, we will be awarded RAPZ money and we will be able to
- 127 put the contract out to install the lights.
- 128 • We budgeted to purchase a variable speed motor on the cemetery well.
- 129 • R Stapley explained that a variable speed motor maintains a constant pressure. It changes the speed of
- 130 the motor based on demand.
- 131 • S Bankhead explained that the expenditures on the 4th South Main park totaled \$51,000. We started out
- 132 with \$57,000. There is a little over \$5,000 left in that budget for that park. In Hillcrest, we still owe \$5,000
- 133 on the grading. We are on hold to finish the grading, install the sprinkler system, and hydroseed until we
- 134 get better weather.
- 135 • R Stapley said that Circle B Irrigation is almost done with the design for the irrigation system for Hillcrest
- 136 park. The weather has delayed them.
- 137 • K Eck asked if the irrigation design will consider future amenities. R Stapley said that it will.
- 138 • S Bankhead said that we also want to do Phase 1 of our cemetery expansion project using funds that were
- 139 brought forward. We would like to have an entrance on 1000 East, and we will also improve the entrance
- 140 off of River Heights Blvd. This phase will give us a little over 300 new spaces.

- 141 • Mayor Drew explained that for the next council meeting, we will be doing some research to present a fact
142 sheet about costs and what other cities are charging for cemetery services. We will also report on how
143 many spaces we have left in our cemetery, how fast they are selling, etc. The cemetery will be on the May
144 14th council agenda for discussion.
- 145 • S Bankhead explained that we brought forward \$475,000 forward from the water fund. \$450,000 of that
146 was for the Baur Avenue project. There are still a few loose ends that we are working on with that project.
147 We are also working on the design for the 5th south water line project. It was not designed to be a street
148 project, but we will end up replacing the asphalt and widening it in some places. We have completed the
149 boring for the pipe to go under the canal.
- 150 • George Hill of Providence asked how wide the street will be.
- 151 • The street will only be widened in certain places as part of the project.
- 152 • S Bankhead explained that we are working on the 40-year water plan. After that project, we can decide
153 what we want to consider for impact fee analysis.
- 154 • S Bankhead explained that we budgeted for the Zone 2 water tank. We have worked with the Stevensons
155 on relocating their easement. There will be a notice of public hearing about this for the May 14th meeting.
156 We are also moving forward with our Zone 1 property purchase and survey. We are working on a
157 boundary line adjustment with the Liechty property that will increase the size of the property that the Eck
158 2 reservoir sits on now.
- 159 • S Bankhead explained that for sewer, we are looking at taking the sewer line to the properties that are
160 south of 300 S and in the area of Hwy 165. M Pierce is working on the design for the main trunk lines. We
161 have met with the property owners for a general discussion. After the design is done, we will meet with
162 them again for a more specific discussion regarding easements, etc. Then we can decide what funds to
163 allocate for the project.
- 164 • S Bankhead explained that we received an annexation petition for 10 acres of county land right at the end
165 of 500 S. The applicants have plans for a senior community zoned for Single Family High. These would be
166 single-level homes without a basement. The petitioners know that extending 5th south through their
167 property will be part of the annexation agreement. They probably want to move faster than the rest of
168 the sewer plan, and are proposing a private sewer lift station.
- 169 • S Bankhead mentioned the manhole and valve ring service. R Stapley explained that the contractor was
170 lined up to do it, but the company went out of business. It will not be done this year.
- 171 • The first phase of the Storm Water Master Plan has been completed.
- 172 • S Bankhead said that we were considering purchasing another vehicle, but now we are considering
173 shifting vehicles from other departments.
- 174 • R Stapley explained that the truck that was budgeted for this year has been delayed. The truck itself will
175 probably come in this budget year, but all the add-ons that we need will probably be in next year's
176 budget.
- 177 • S Bankhead spoke about the 500 North storm water main line extension. We were hoping to get that
178 done as part of a development agreement, but it looks like that will not happen. We will be spending
179 budget money on it. This extension would go from the east edge of the church property on 500 North,
180 under 300 East, and then across the parcels on the west of 300 East to Spring Creek.
- 181 • Mayor Drew explained that we will need to budget for the increase in the Emergency Services charges
182 from Logan City. We will need to have a public hearing about including those new charges on the utility
183 bill.
- 184 • Mayor Drew said that we have considered outsourcing an HR consultant. We are waiting on a proposal.
- 185 • We also talked about hiring another water employee, a city manager, and an inspector position. This will
186 be on the agenda at the next council meeting. We will need to pass an ordinance that allows for a city
187 manager position.

- 188 • K Allen mentioned that we should keep an eye on what the legislature is doing regarding sales tax. They
189 have been considering making adjustments, including reducing sales tax. We might want to invite
190 someone from the Utah League of Cities and Towns to keep us informed about these issues.
- 191 • Mayor Drew said that the governor is pushing for a special legislative session to address the sales tax
192 issue.
- 193 • K Allen said that he is ready to discuss adding a city manager but he is not ready to vote on it yet. He
194 would like more discussion on the costs, how it will affect our current city administration, and ways that
195 we might be able to delegate those duties instead of hiring a city manager. Because of all the constraints
196 on our budget, we need to be conservative.
- 197 • R Sneddon said that for a few years until S Bankhead retires, we may need to pay for a city manager
198 position and S Bankhead's position simultaneously. He estimated that a City Manager might cost about
199 \$130,000 including benefits.
- 200 • Mayor Drew explained that a city manager might wear multiple hats. Some could be a city attorney or
201 engineer as well.
- 202 • K Eck believes that the city manager will pay for themselves by writing grants. She would also expect them
203 to be experts at writing ordinances.
- 204 • B Fresz said that if we want a smooth transition when S Bankhead retires, we will have to pay two salaries
205 for a time. This will allow a transfer of knowledge.
- 206 • R Sneddon agrees.
- 207 • Mayor Drew said that S Bankhead has expressed interest in filling an open position as an urban planner
208 and land use director. This would allow her to work a normal 40 hour work-week. That way, she would
209 still be around to transfer knowledge to the new city manager until her retirement.
- 210 • K Eck clarified that adding a city a manager is adding an employee and not changing the form of
211 government.
- 212 • K Allen said that S Bankhead's retirement shouldn't be deliberated in city council. The choice is completely
213 up to her.
- 214 • S Bankhead explained that she has discussed her retirement with the mayor and city council before. She is
215 in favor of the proposal for a city manager.
- 216 • Mayor Drew suggested that we could have someone come in from the Utah City Manager's Association to
217 speak to us.
- 218 • K Allen noted that the citizens of Providence have rejected the proposal to create a city manager position
219 in the past. However, things have changed since then. It is time to reconsider it.
- 220 • Mayor Drew explained that even though we are a small city, we are dealing with the same requirements
221 that larger cities deal with. As the city has grown, the complexity has grown. It is difficult to keep up
222 without talented professionals to assist us. It would be worth it to hire someone with expertise.
- 223 • Sharon Johnson of Providence thanked the council for their service. She said that we are fortunate to
224 have the council and the staff that we do.

225

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

227 R Stapley, Public Works Director

- 228 • Mayor Drew explained that Spanish Fork received a grant to install smart controllers for water on
229 residents' lots for free.
- 230 • R Stapley explained that Spanish Fork has had a secondary water system for a long time, and so they were
231 able to save up money in their enterprise fund in order to provide the sprinklers . They also have an
232 established conservancy district to give them grant money. This helped them provide this service to
233 residents for free. R Stapley explained that we are looking into these smart sprinkler systems for city

- 234 properties and for the secondary water system that we are putting in for residents in the Hampshire Park
235 area.
- 236 • Rock Hollow spring is turned off. Jay’s Well can handle our entire culinary needs. R Stapley explained that
237 this is because Blacksmith Fork Irrigation Company is not ready to initiate the exchange agreement for the
238 year. We cannot use the spring water until the exchange is operating.
 - 239 • The asphalt plant in Hyrum should be opening next week. The streets department will be busy playing
240 catchup.
 - 241 • R Stapley explained that we haven’t had much push back about the cancellation of the spring branch pick
242 up.
 - 243 • The Vactor truck needs repairs. It will cost somewhere between \$12-15,000.
 - 244 • R Stapley spoke about sump pumps. We used the sewer camera, but didn’t find any sump pump usage.
245 However, the groundwater table hasn’t risen much yet. When the irrigation ditches start running, the
246 groundwater table may also rise.
 - 247 • R Stapley said that there is no news on the VW settlement.
 - 248 • R Stapley said that the trailer for the road shoulder machine is almost built.
 - 249 • B Fresz said that N Grandview Drive on the east side north of 10th west would be a good place to test the
250 machine.
 - 251 • B Fresz asked about storm grates that need vacuuming. R Stapley said that we may be able to use a street
252 sweeper attachment until the Vactor gets fixed.
 - 253 • B Fresz asked about the Blacksmith Fork spring inspection.
 - 254 • R Stapley said that two of the action items from the inspection were to continue working on the two
255 culverts that he is already working on. The other two action items are to do maintenance on the two box
256 culverts under Center Street and 100 North. These last two are not urgent.
 - 257 • K Allen asked who has our lawn mowing contract.
 - 258 • S Bankhead said Stickman does. They are in the 3rd year of their contract.
 - 259 • B Fresz asked about whether we acquired more speed signs. R Stapley said that we have one, and it is
260 usually enough.
 - 261 • Mayor Drew said that we budgeted money for buying more speed signs, and asked R Stapley to have the
262 street departments buy those.

263 S Bankhead, Administrative Services Director

- 264 • We have changed our third-party provider for our online payment service. Intellipay was purchased
265 recently, and we have struggled with them since that time. We changed to Xpress Bill Pay as of today. If
266 residents are on autopay, they need to set up that account again with our new provider.
- 267 • We now have a video camera to record city council meetings. We are experimenting right now. We will
268 probably not upload the first few recordings.
- 269 • We have a new city website going live on Thursday. We have also codified our online code with
270 Municode, which we will be using now to do ordinances and code updates.
- 271 • Jesse Bardsley, city staff, explained that Municode will allow proposals to be made by city staff and
272 council members. These proposals will show strike-throughs and additions. If the changes are approved,
273 they can be implemented in the city code with the push of a button.
- 274 • R Sneddon is concerned about the terms and conditions for Xpress Bill Pay. S Bankhead said that she will
275 take a look at them.

276
277 **Council Reports:** Items presented by the City Council members will be presented as informational only; no formal
278 action will be taken. The City Council may act on an item, if it arose subsequent to the posting of this agenda and
279 the City Council determines that an emergency exists.

- 280 • B Fresz said that UTOPIA fiber optic internet has now come to Cache Valley along Highway 165. They have
281 a survey that we can give to our residents. If 35% of the households are interested, they will move
282 forward with providing the service. This is a 1 Gbps service that is \$65 per month, which is cheaper than
283 many residents may currently pay for slower internet.
- 284 • J Bardsley said that we can put it on the Providence Pipeline Notification system.
- 285 • Mayor Drew reported on the Larsen property. Yesterday evening, volunteers hauled off five tons of scrap
286 metal, as well as seven tons of trash. Trailers, tractors, etc, are also gone. Mayor Drew will meet with
287 Bishop Norton of the 4th ward to decide on an acceptable level of completion and what will be expected
288 of the Larsen's going forward.

289 **Executive Session Notice:**

290 The Providence City Council may enter into a closed session to discuss pending or reasonably imminent litigation as
291 allowed by Utah Code 52-4-205(1)(c). The Providence City Council may enter into a closed session to discuss
292 professional competence or other factors allowed by Utah Code 52-4-205(1)(a). The Providence City Council may
293 enter into a closed session to discuss land acquisition or the sale of real property Utah Code 52-4-205(1) (d) and
294 (e).

295

296 **Motion to enter executive session — B Fresz, second — R Sneddon.**

297 **Vote:**

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

299 **Nay:**

300 **Excused:**

301

302 **Motion to close the executive session: — B Fresz, second — D Giles**

303 **Vote:**

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

305 **Nay:**

306 **Excused: K Eck (left during executive session)**

307 Executive Session closed approximately 10:05 PM

308

309 **Council Reports continued:**

- 310 • S Bankhead said that one of the Planning Commission members had concerns about the feasibility plan
311 for the Vineyard Subdivision (Chugg Property). She said that Jeff Jackson, the developer, has already
312 redesigned the subdivision to make sure that it meets the Sensitive Areas ordinance requirements for
313 high water tables.
- 314 • Mayor Drew said that Gary Sonntag of the Planning Commission would like to add language to the LCR
315 ordinance that prohibits all rentals. However, this is illegal.
- 316 • A meeting will be held tomorrow with attorneys to advise the city on what they can and cannot do
317 relative to the referendum that is currently in process.
- 318 • Mayor Drew said that J Jackson, the developer, is considering his legal and public relations options.
- 319 • Members of the council expressed concerns about the accuracy of the information that is being given to
320 voters about the referendum.

321

322 **Motion to close the meeting: — K Allen, Second — D Giles**

323 **Vote:**

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

325 **Nay:**

326 **Excused: K Eck (left during executive session)**

327 Meeting adjourned approximately 10:15 PM
328 Minutes prepared by Jesse Bardsley

329
330
331
332
333

334 _____

335
336 John Drew, Mayor

Skarlet Bankhead, City Recorder

337
338