

1 **PROVIDENCE CITY COUNCIL**
2 **WORKSHOP MINUTES**
3 **July 31, 2019 6:00 PM**
4 **Providence City Office Building**
5 **164 North Gateway Drive, Providence UT**
6

7 Attendance: John Drew, Kirk Allen, Kristina Eck (left part way through), Brent Fresz, Roy Sneddon
8 Excused: Dennis Giles
9

10 **Item No. 1:** The Providence City Council will hold a workshop to discuss proposed code amendments creating a city
11 manager position. The Council will also discuss an employment agreement and duties matrix.

- 12 • Mayor Drew explained that in the document included in the current agenda packet, he highlighted the
13 sections that were changed during the last council meeting workshop.
- 14 • Mayor Drew brought up a sheet listing the compensations for city managers and mayors in Smithfield,
15 North Logan, Hyrum, and Nibley. He said that the mayors in these cities do not run the day-to-day
16 operations of the city. The city managers do.
- 17 • Mayor Drew said that he looked through the city code of 30 Utah cities relating to their city managers. He
18 said that the terms “city manager” and “city administrator” seem to be used interchangeably.
- 19 • K Eck asked if those cities have a separate recorder, or if the city manager performs that function. S
20 Bankhead said that in Nibley, the city manager is the city recorder. However, he also has deputy recorders
21 to help him.
- 22 • Mayor Drew explained that the only change that would occur in Providence if this ordinance passes is that
23 the city council would have oversight over the person who performs the functions that S Bankhead
24 currently performs. Under currently law, Mayor Drew could hire someone to replace S Bankhead (except
25 her recorder functions) without the consent of the council.
- 26 • K Allen said that S Bankhead is currently doing too much. He would like to have a law on the books before
27 the next council comes in that allows the city to hire a city manager.
- 28 • Mayor Drew said that he would like the hiring of a city manager/city administrator to be a collaborative
29 process with the city council. He would not like it to be the unilateral decision of the mayor, as it would be
30 under current code.
- 31 • K Eck asked S Bankhead to explain what parts of her job she would want to keep if the council took away
32 some of her responsibilities and gave them to the city manager.
- 33 • S Bankhead said that she likes all the parts of her job. She would be fine keeping any of them. She said
34 that there is an idea out there that not hiring a city manager would save money. However, the city has
35 been having a problem with staffing. We hire people with the idea that they will be permanent fixtures in
36 the city and gain institutional knowledge so that they can take on some of S Bankhead’s functions. We
37 have been hiring entry level people, who then leave after a short time for higher paying employment. We
38 are a sort of training ground for them to improve their resumes. Many cities start their entry-level people
39 at several dollars per hour more than we do. S Bankhead said that about a year ago, she spoke with the
40 mayor and said that she did not want to do 60-70 hour work weeks any longer than one more year. She
41 said that even if we don’t go the city manager route, the new council will have to hire more than just
42 entry level positions in order cover all the duties that need to be covered.
- 43 • Mayor Drew said that rather than hiring staff who see Providence as a stepping stone, we should hire staff
44 with municipal experience who want to make a career out of it.
- 45 • K Eck asked when S Bankhead would like to retire.
- 46 • S Bankhead said that if her ability and health holds out, she would like to be here two or three more
47 years, or maybe even longer.
- 48 • S Bankhead said that we are going to spend the money we have allocated for this position anyway. We
49 will either hire two higher level administrative people, or we will hire a city manager.
- 50 • Mayor Drew said that the four cities he mentioned earlier also have a planner on their staff.
- 51 • K Allen said that if the next city council catches the vision of where the city will need to go, they will see
52 that we probably need a city manager and someone assisting the city manager.

- 53 • S Bankhead said that state code changes every year. There are more requirements for cities than there
54 were 15 years ago, and these require more staff effort to fulfill them.
- 55 • S Bankhead said that the role of the city council is to make good laws. The better the laws, the easier the
56 staff's job is. The role of the staff is to carry out those laws. She said that whoever the city council hires in
57 a city management position, the city should capitalize on that person's strengths. S Bankhead would be
58 willing to take on whatever position the new manager does not specialize in. One option is that she could
59 drop down and be the department head for the administrative department. She would like to see the city
60 progress, and she feels that currently, we aren't even treading water.
- 61 • Mayor Drew explained that we originally budgeted for ¾ of this coming year for the city manager. We also
62 budgeted for an inspector. However, by now we would only potentially have them for half a year. We will
63 be removing \$100,000 out of the budget that was for those positions.
- 64 • Mayor Drew explained that with this adjustment, the new proposed tax increase would be about \$123
65 for the average household in Providence instead of over \$150 per household. This tax increase would
66 raise about \$400,000, which is enough to cover the fire contract for this year.
- 67 • Mayor Drew explained the process that the city went through in making its decision about the fire
68 contract. We consulted with other cities about a joint fire department, but there was no interest from
69 those cities.
- 70 • Mayor Drew said that North Logan is in negotiations to combine their fire department with Logan. He also
71 said that North Logan, Hyde Park, and Smithfield are considering a joint police department. It is more
72 efficient for them to combine rather than to run their own departments.
- 73 • Mayor Drew noted that our pay rate for our employees is less than that of surrounding cities.
- 74 • R Sneddon asked what the best form of government is. He said that it is the cheapest.
- 75 • Mayor Drew said that according to David Church, an attorney who was on the staff of the Utah League of
76 Cities and Towns, the most efficiently run cities are run by a city manager. They get into less legal trouble,
77 run more efficiently day to day, etc. If we hire cheap, it may not actually save money.
- 78 • R Sneddon clarified that he meant that in the view of the citizens, the best government is the cheapest.
79 We need to find a better way to sell the city manager position to the citizens. The manager may have
80 other skills, such as engineering skills, but they will be providing those as insights rather than taking on
81 the role of the city engineer, city attorney, etc.
- 82 • Mayor Drew said that the role of a city manager who has a secondary skill set, such as public works, is to
83 know when the public works director is doing their job, and to know what kind of person to hire for that
84 position.
- 85 • K Allen said that a city manager with human resources experience could allow us not to have a designated
86 human resources person. The city manager could provide some direction on human resources for other
87 staff to follow.
- 88 • R Sneddon said that we need to sell this well. K Eck said that we need to educate the citizens. R Sneddon
89 said that previous city leaders didn't have the vision to get us where we needed to be. Some important
90 decisions have been delayed. The citizens don't realize the institutional baggage that the city has. They
91 don't realize what brought us to this point.
- 92 • B Fresz brought up 1-12-3 (1) in the agenda packet. He does not agree that city department heads should
93 be appointed by the city council. He feels that the city manager should appoint them.
- 94 • B Fresz brought up 1-12-3 (3). "Unless excused by the mayor" should be moved to the end of the first
95 sentence.
- 96 • B Fresz brought up 1-12-3 (7). He said that the portion about the city manager being responsible for
97 electronic and paper documents and records may conflict with the duties of the city recorder and other
98 positions. Many of the appointed positions, such as recorder, treasurer, justice court judge, etc, have to
99 maintain their own records.
- 100 • R Sneddon felt that data security should be given as an explicit responsibility to someone with a job title,
101 such as the city manager.
- 102 • S Bankhead said that treasurer and recorder trainings emphasize data security.
- 103 • Mayor Drew referred to the duties matrix concept called RACI (Responsible, Accountable, Consulted,
104 Informed). He said that perhaps the city manager could be responsible for data security, and the recorder

- 105 and treasurer could be accountable for it.
- 106 • Mayor Drew said that the language in the proposed ordinance says that the manager shall “keep or cause
- 107 [records] to be kept.” This means that the city manager does not need to personally do these tasks. The
- 108 council agreed to keep the language the way it reads in the agenda packet.
- 109 • K Allen brought up 1-12-6 where it says that the city manager may be removed by a super majority vote of
- 110 the council including the mayor.
- 111 • Mayor Drew said that a super majority would be 4 out of 6.
- 112 • K Allen said that four is a simple majority. Would a super majority mean 5?
- 113 • B Fresz said that he interpreted the language to mean that there must be four votes to remove the city
- 114 manager even if only three council members show up for the meeting. B Fresz asked what the definition
- 115 of super majority is in state code.
- 116 • K Allen thought that it was a 2/3 vote.
- 117 • K Eck asked about the Truth in Taxation hearing scheduled for August 5th. Will we be voting, or just
- 118 listening?
- 119 • S Bankhead said that the council can decide what they would like to do. We could have the vote on
- 120 August 13th and still meet state requirements.
- 121 • Mayor Drew felt that we can give the staff direction on the 5th, but we won’t have a document ready to
- 122 vote upon.
- 123 • K Eck left the meeting.
- 124 • Mayor Drew brought up the employment agreement.
- 125 • K Allen asked if many of the items in the agreement are already covered in our personnel policy.
- 126 • S Bankhead said that a manager gets the extra protection of this separate work agreement. Some of the
- 127 things can be in harmony with our standard personnel policy, but some may go beyond that. For example,
- 128 other positions, such as the city recorder, can be fired by the council at will without any appeal rights,
- 129 severance pay, etc.
- 130 • The council discussed the agreement from the previous meeting’s agenda packet between Matthew J
- 131 Dixon and the city of South Ogden.
- 132 • Mayor Drew noted that the contract calls for a term of 36 months. B Fresz said that he thinks that our
- 133 term should be four years (48 months).
- 134 • K Allen asked if we have a probationary period.
- 135 • B Fresz said that with upper level professional positions, the probationary period can be a deal killer
- 136 unless the city is willing to pay for the person’s relocation.
- 137 • K Allen said that we could have a longer probationary period, such as 36 months.
- 138 • B Fresz said that he would like to include language that if the manager commits a felony, they do not get
- 139 the severance pay.
- 140 • B Fresz asked about firing the manager “for cause,” such as for lack of performance or misleading
- 141 information on their resume. What is keeping us from having to pay the severance pay in that case?
- 142 • B Fresz asked what would happen if they didn’t show up to work. S Bankhead said that we may want to
- 143 put language that says that job abandonment is considered voluntary resignation.
- 144 • B Fresz said that we could also clearly define “cause” for firing without severance pay. We could include
- 145 job abandonment in the definition of “cause.”
- 146 • K Allen said that in his experience, it is not unusual to have a probationary period even if the new
- 147 employee has to relocate.
- 148 • B Fresz said that he feels that a management level employee should have some protection from arbitrary
- 149 termination so that he/she can feel comfortable confronting the council members if they are doing
- 150 something unwise.
- 151 • S Bankhead said that the previous city manager received their severance pay. Mayor Drew said that the
- 152 situation with the previous manager was due to the council, mayor and city manager having different
- 153 ideas about what the roles of the mayor and the city manager were.
- 154 • R Sneddon asked how we would let the city manager go if most of the city council and the city did not like
- 155 him/her [and there was no clear cut “cause” for termination].
- 156 • Mayor Drew said that there is a clause in the contract that says that the manager can be terminated for

- 157 any reason. We would then pay them the 6 month's severance, which would be cheaper than fighting a
158 legal battle about the cause of termination if the cause isn't clear.
- 159 • B Fresz said that we should use the definitions of "cause" for termination that are in our personnel policy.
160 He is fine with the manager being subject to those same conditions.
 - 161 • S Bankhead said that she will need to change a portion of our personnel policy in 3a that references
162 "department director" if the council is going to leave the selection of the department heads to the city
163 manager. There is also a section that says that the mayor and one city council member selected by the
164 city council in an open meeting shall be part of the interview process. S Bankhead would like to change it
165 to read "interview team" instead of "interview process."
 - 166 • K Allen and S Bankhead suggested putting language into that section to the effect that the city council
167 can also appoint someone instead of a council member to be a part of the interview team.
 - 168 • S Bankhead said that the reason that section 3 in the personnel policy says "may" instead of "shall" is that
169 a city manager may not want to sit in on every employment interview.
 - 170 • K Allen asked about bonding. S Bankhead said that in our code and in state statute, the city is required to
171 furnish the bond.
 - 172 • B Fresz asked if section 7(d) about 401K plans in the South Ogden City contract would apply to Providence
173 City. S Bankhead said we may need to change that section to say that we follow the Utah State retirement
174 guidelines.
 - 175 • The council discussed the phone allowance in the South Ogden contract. Mayor Drew said that we can
176 remove that language and continue with our current policy of providing phones.
 - 177 • The council discussed the vehicle allowance in the South Ogden contract. S Bankhead said that in the state
178 of Utah we need to be very cautious with vehicle allowances. B Fresz said that we should remove that part.
 - 179 • S Bankhead said that there are other fringe benefits in our personnel policy, such as tuition reimbursement.
 - 180 • Mayor Drew brought up section 8 of the South Ogden contract. We should add language to the effect that
181 the manager shall also spend time keeping up with his/her applicable certification(s).
 - 182 • K Allen said that this is covered in section 9. B Fresz thought that we should still add "applicable professional
183 training" to section 8.
 - 184 • K Allen and B Fresz felt that the last sentence in section 10, about the city paying for a family member to
185 accompany the manager on one professional trip per year, should be removed. B Fresz felt that the city
186 could pay for the spouse/family member to share the hotel, rental car and meals, but not the plane ticket.
 - 187 • B Fresz brought up the term length in section 2. He felt that the term length should be adjusted so that it
188 never expires during an election year.
 - 189 • B Fresz reviewed the sections that the council has agreed to change.
 - 190 • K Allen said that we should include language about matching 401k funds. S Bankhead said that we can do
191 what the state retirement system allows us to do.
 - 192 • The council decided to add "training" in section 9 after "growth."
 - 193 • B Fresz asked if we want the duties and responsibilities matrix to be a part of the hiring contract. S Bankhead
194 said that this should probably be done as a policy resolution.
 - 195 • The council discussed when to put the contract and the ordinance on the agenda for a vote. K Allen felt that
196 August 13th may have too much on the agenda already. If not, he would be fine with that day.
 - 197 • Mayor Drew said that there is a developer who wants to put in a 55+ active senior living community on the
198 west side of Highway 165, south of Jerry Fickas' property. They would like to put retail along the highway,
199 and single family homes and an assisted living facility behind that. It would have a walking path and trail
200 around it that incorporates Ballard Spring.
 - 201 • B Fresz brought up the duties and responsibilities matrix. He felt that the city manager should also have
202 responsibility for employee records.
 - 203 • Mayor Drew said that we need to redo this matrix in RACI format. The manager could have responsibility
204 for employee records, but the department heads could have accountability.
 - 205 • Mayor Drew will send to the council members a RACI template that he likes.

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208 **Executive Session Notice:**

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

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

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

215

216 **Motion to enter executive session: — B Fresz, second — R Sneddon**

217 **Vote:**

218 **Yea: K Allen, B Fresz, R Sneddon**

219 **Nay:**

220 **Abstained:**

221 **Excused: D Giles, K Eck**

222

223 **Motion to close the executive session: — K Allen, second — R Sneddon**

224 **Vote:**

225 **Yea: K Allen, B Fresz, R Sneddon**

226 **Nay:**

227 **Abstained:**

228 **Excused: D Giles, K Eck**

229

230 **Motion to adjourn: — K Allen, second — R Sneddon**

231 **Vote:**

232 **Yea: K Allen, B Fresz, R Sneddon**

233 **Nay:**

234 **Abstained:**

235 **Excused: D Giles, K Eck**

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237 Meeting adjourned at approximately 8 PM

238 Minutes prepared by Jesse Bardsley

239 Minutes approved by vote of the council on August 13, 2019

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John Drew, Mayor

Skarlet Bankhead, City Recorder

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