

1 **PROVIDENCE CITY COUNCIL MEETING MINUTES**

2 **October 8, 2019 6:00 PM**

3 **Providence City Office Building, 164 North Gateway Drive, Providence UT**

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5 **Opening Ceremony:**

6 Call to Order: Mayor Drew  
7 Roll Call of City Council Members: Mayor Drew  
8 Attendance: John Drew, Kirk Allen, Kristina Eck, Brent Fresz, Dennis Giles, Roy Sneddon  
9 Pledge of Allegiance: Mayor Drew  
10 Opening Remarks – Prayer: Carrie Kirk  
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12 **Item No. 2. CAPSA - Discussion:** Representatives from CAPSA will discuss Domestic Violence Awareness Month.  
13 (Note: This item was moved to the front of the agenda by the council).

- 14 • Alyna Ohling of CAPSA spoke about Domestic Violence Awareness Month. She works with 5-12<sup>th</sup> graders.  
15 Sometimes people think that domestic violence doesn't occur around here, but the local statistics say that  
16 1 in 3 women and 1 in 7 men will experience it. CAPSA is a non-profit organization in the community. They  
17 have a shelter and they house women and men, usually for about 30 days. They also have a 24 hour  
18 support line. They offer free counseling and services, and help people write protective orders.  
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20 **Staff Reports:** Items presented by Providence City Staff (including but not limited to: City Engineer, City Attorney,  
21 Public Works Director, and Administrative Services Director) will be presented as information only.  
22 Rob Stapley, Public Works Director:

- 23 • We have cleaned up most of the streets that we did chip and seal on. We have a mountain of chips that  
24 we don't need. We can give some away to anyone who is interested, but we won't deliver it. Using it next  
25 year on the roads would not be cost effective because the chips would need to be hauled back to the  
26 plant and re-washed.  
27 • We are getting our snow plows ready, and working on patching some potholes with hot mix.  
28 • 500 South: The contractors are doing quality work, but are way behind schedule. R Stapley said that his  
29 version of a worst case scenario is that we might have to temporarily patch the road until spring. The  
30 contractors dug a trench in the road. They didn't tear out the entire road because we didn't want to risk a  
31 situation where it was too late to repave the road.  
32 • Broad Hollow Spring: there has been a lot of shooting going on in the area. The forest service agreed to do  
33 some fencing and signage, and to allow R Stapley to plant some trees to block off the visual aspect of the  
34 spring area.  
35 • Department of Drinking Water Quality: We have a rule violation because of deep rooted vegetation within  
36 the fenced off area of Broad Hollow Springs. R Stapley has asked the department for an exception. If we  
37 removed the trees, it would cause erosion problems and other water quality concerns.  
38 • Mayor Drew asked what problems tree roots could cause. R Stapley said that roots might make a pathway  
39 for surface water to get into the collection area. They can also destroy the collection area.  
40 • Redd Reservoir is up and running now. It cost us \$6-7000 to fix it. It was taken out by lightning. We have  
41 replaced the transducer at Jay's well.  
42 • We will have the divers come clean Redd Reservoir.  
43 • Val Kotter has been working on some sewer infiltration problems.  
44 • Hillcrest Park has some sod laid. The retention pond is ready. This project should be done in a week or so.  
45 • The cemetery project should be completed. It just needs an inspection.  
46 • Leaf pickup: please remind the residents that we pick up bagged leaves only.  
47 • Mayor Drew spoke about chip and seal. We are going to do less chip and seal next year and more patch  
48 work.  
49 • R Stapley said that we will do fewer roads for chip and seal next year. It is a seven year rotation. We have  
50 made a huge dent in it. Next year, we will be focusing on patches and overlays. We are behind on our  
51 roads in the downtown area.  
52 • K Eck asked whether patches and overlays will solve the pothole problem. R Stapley said that some of the  
53 treatments can add quite a few years of service life.

- 54 • R Stapley said that there are 6-10 roads that he would like to rebuild. They need to be prioritized based on
- 55 how bad they are, how much traffic volume they have, and the condition of the utilities under them.
- 56 • Mayor Drew said that if we rebuild a road that doesn't have adequate road base, it is much more
- 57 expensive.
- 58 • B Fresz suggested using some of the excess chips for trail maintenance.
- 59 • B Fresz asked about the inspection for Providence Blacksmith Fork Irrigation Company. R Stapley said that
- 60 there are some things we have to do, but overall, we are doing well.

61 Max Pierce, City Engineer:

- 62 • Sewer Infiltration:
  - 63 ○ M Pierce looked at the mayor's research comparing other cities to Providence as far as water
  - 64 production and sewer use. Some other cities had more water production but less sewer
  - 65 discharge. This was puzzling.
  - 66 ○ M Pierce showed a video of an inflow leak within a manhole near Black Bear Diner in Providence.
  - 67 He estimated that the leak rate was about 2-5 gallons per minute.
  - 68 ○ M Pierce shared some calculations that he did. If you had a 1 gallon per minute inflow leak, it
  - 69 would be 0.2% of the monthly flow [that we send out of our sewer system to Logan]. If we had a
  - 70 5 gallon per minute leak, it would be 0.9% of our monthly flow.
  - 71 ○ He also estimated the cost to the city of a sump pump with several pump rates. A small sump
  - 72 pump which runs for 10 seconds at 15 gallons per minute and turns on every five minutes costs
  - 73 the city about \$63/month. A sump pump that runs for 30 seconds at 15 gallons per minute every
  - 74 two minutes costs the city \$477/month.
  - 75 ○ Over the past three years, the city has spent about \$125,000 to camera the sewer. We have
  - 76 found about 12 leaks. Finding each leak is costing the city about \$10,000. Fixing a leak costs
  - 77 between \$5-10,000. Based on these estimates, it would take about 20 years to recover costs for
  - 78 the small sump pump case [or that amount of water]. It would take two years to recover costs
  - 79 for finding and fixing a 5 gallon per minute infiltration.
  - 80 ○ Mayor Drew said that if a homeowner voluntarily stops pumping into the sewer, it doesn't cost
  - 81 the city anything. M Pierce said that it is unlikely that they will simply choose to stop pumping
  - 82 into the sewer.
  - 83 ○ K Eck asked how Nibley convinces their citizens to pump it into the gutter. M Pierce said that
  - 84 Providence has looked down upon this practice in the past. We have told people not to pump it
  - 85 into the gutter.
  - 86 ○ K Eck asked why we don't want people pumping it into the gutter. M Pierce said that it depends
  - 87 on the time of year. In the winter, it can cause ice, slick spots and damage to the curb and gutter.
  - 88 ○ Mayor Drew said that R Stapley has seen an increase in the sewer flow numbers during the
  - 89 irrigation season. Water from the canals is getting into our sewer system.
  - 90 ○ M Pierce said that he hasn't looked into the correlation between the irrigation system and the
  - 91 infiltration yet, but he will.
  - 92 ○ K Allen asked if we are paying enough extra money to Logan to justify spending \$125,000 on
  - 93 cameraing the sewer. We have only found 12 leaks.
  - 94 ○ K Eck asked if we have cameraed the whole city. R Stapley said that we have cameraed the entire
  - 95 city in the last three years. We have also cameraed some of the high water table areas two or
  - 96 three times. We didn't camera the private subdivisions. K Eck felt that we should camera the
  - 97 private subdivisions as well.
  - 98 ○ R Stapley said that the \$125,000 cost for cameraing also includes cleaning.
  - 99 ○ M Pierce said that he is sharing these numbers so that the council can consider the cost of fixing
  - 100 leaks and decide what is worthwhile to fix.
  - 101 ○ K Eck said that homeowners who are using sump pumps don't realize that they are costing the
  - 102 city that much money.
  - 103 ○ R Sneddon asked if we know how much a sump pump is costing each household in Providence on
  - 104 their utility bill. B Fresz said that the [5 gallon per minute] infiltration situation would cost about
  - 105 \$1 per household per year.
  - 106 ○ R Sneddon said that part of him wants to fix everything, but it may not be worth it.
  - 107 ○ M Pierce said that you do have to fix problems at some point. They get worse rather than better

- 108 over time.
- 109 ○ M Pierce said that another thing we can do is wet weather screening. During rain, we can find
- 110 manholes that are accepting a lot of inflow. Some manholes are cheaper to fix than others.
- 111 ○ M Pierce said that it is also important to check manholes as they are being built to make sure
- 112 they are built properly.
- 113 ○ M Pierce said that sump pumps are each an individual case that needs to be considered. There
- 114 are not always easy solutions.

115 Skarlet Bankhead, Administrative Services Director:

- 116 • S Bankhead spoke about the financial reports for September and October, which includes the financial
- 117 statements for August. The check register in August was quite high because we purchased a new truck
- 118 and paid most of the HA5, chip seal, surface seal, painting, etc.
- 119 • S Bankhead said that in October we made out checks for the Sheriff's Department, animal control, and the
- 120 library. They will be on the next report.
- 121 • Meet the candidates night is at Spring Creek middle School on Thursday at 6:30 PM.
- 122 • Oktoberkraud Celebration: Parade starts at 10 am, pickle ball tournament starts at 7:30 am. We have had
- 123 a lot of interest in our car show. We have about a dozen vendors for the celebration, as well as games for
- 124 children.

125

126 **Approval of the minutes**

127 **Item No. 1.** The Providence City Council will consider approval of the minutes of September 24, 2019

128 **Motion to approve the minutes of September 24:** — K Allen, second — R Sneddon

129 **Vote:**

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

131 **Nay:**

132 **Excused:**

133 **Abstained:**

134 **Corrections:**

- 135 • None

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138 **Item No. 2.** The Providence City Council will consider approval of the minutes of September 27, 2019

- 139 • The minutes were not ready.

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141 **Public Comments:** Citizens may appear before the City Council to express their views on issues within the City's

142 jurisdiction. Comments will be addressed to the Council. Remarks are limited to 3 minutes per person. The total

143 time allotted to public comment is 15 minutes. The City Council may act on an item, if it arose subsequent to the

144 posting of this agenda and the City Council determines that an emergency exists.

- 145 • No public comments

146

147 **Public Hearing(s) 6:15 PM:** Proposal to vacate and relocate a 10-ft public utility easement between Lots 20 and 21

148 in the Providence Hollows Subdivision, generally located at 574 North 520 East, Providence UT

149 Prior to making a decision on public utility easement vacation and relocation, the City Council is holding a public

150 hearing. The purpose of the public hearing is to provide an opportunity for anyone interested to comment on the

151 proposal before action is taken. The City Council invites you to attend the hearing in order to offer your comments.

- 152 • Eric Watterson, speaking on behalf of the property owner Scott Watterson, said that he hopes the council
- 153 will approve the lot line adjustment. He would like to build a home in that location and needs the
- 154 adjustment in order to do it.
- 155 • S Bankhead said that there are no public utilities in this easement. Relocating it will not displace anyone.
- 156 The Council will decide whether to relocate the easement, and the Planning Commission will decide
- 157 whether to adjust the lot line. If the easement is not vacated, it would have the same effect as if the
- 158 property line stayed in place, because we wouldn't allow the property owner to build a permanent
- 159 structure over a public utility easement.

161 **Business Items(s):**

162 **Item No. 1. Ordinance 2019-016 – PUE Vacate and Relocation:** The Providence City Council will consider for  
163 adoption an ordinance approving the vacation and relocation of a 10-ft public utility easement between Lots 20  
164 and 21 in the Providence Hollows Subdivision, generally located at 574 North 520 East, Providence UT.

165 **Motion to approve Ordinance 2019-016 – PUE Vacate and Relocation:** — K Allen, second — K Eck

166 **Vote:**

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

168 **Nay:**

169 **Abstained:**

170 **Excused:**

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- B Fresz asked R Stapley if there is a technical reason that he would not want this to go through.

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- R Stapley said that there is not. He has been to look at the lot and feels fine about it.

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175 **Item No. 3. Ordinance 2019-017 – Code Amendment:** The Providence City Council will consider for adoption an  
176 ordinance amending Providence City Code Title 8 Water and Sewer, Chapter 5 Secondary Water System  
177 Department and System Regulations by creating the position of Secondary Water Stock Designated  
178 Representative.

179 **Motion to approve ordinance 2019-017 – Code Amendment as corrected below:** — K Allen, second — R Sneddon

180 **Vote:**

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

182 **Nay:**

183 **Excused**

184 **Abstained:**

185 **Discussion:**

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- S Bankhead explained that B Fresz has been serving on the Blacksmith Fork Irrigation Company board. It is  
187 a three year term. The bylaws indicate that he has to be an officer or appointee or designated  
188 representative of the company that owns water stock. His council term is ending this year. In order to  
189 continue to serve on the board once he is no longer a council member, he needs to be a designated  
190 representative. This ordinance creates the position for secondary water stock designated representative.  
191 It adds a definition for the position. S Bankhead read from the proposed ordinance.

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- S Bankhead explained that this person would represent us to all the companies that we own shares in.

193 

- K Allen suggested rewording the definition in 8-5-3 W, end of paragraph, and 8-5-5 C, to read: “in which  
194 the City holds water stock.”

195 

- Vickie Holmgren of Providence asked what we have done up until this point.

196 

- Mayor Drew explained that Brent Fresz has been representing us, but his term as a city council member is  
197 ending soon. This ordinance allows the representative to be someone on the council or anyone else that  
198 the council appoints.

199 

- B Fresz said that he was elected to the board of Blacksmith Fork Irrigation company. When his city council  
200 term ends, he can't be on the board because he does not own stock in the company and will not be an  
201 official representative of the city. The city would lose their position on the board until the next board  
202 election unless he is appointed as a designated representative.

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- Ralph Daniels of Providence asked if this is a paid position. Mayor Drew said that it is not.

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205 **Item No. 4. Resolution 033-2019 – Appointment:** The Providence City Council will consider for adoption a  
206 resolution appointing Brent Fresz as the Secondary Water Stock Designated Representative.

207 **Motion to approve resolution 033-2019 to appoint Brent Fresz as the secondary water stock designated**  
208 **representative:** — R Sneddon, second — D Giles

209 **Vote:**

210 **Yea:** K Allen, K Eck, D Giles, R Sneddon

211 **Nay:**

212 **Abstained:** B Fresz

213 **Excused:**

214 **Discussion:**

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- Hal Hansen of Providence said that he has been coming to the council meetings for many months. He has been impressed with the work that B Fresz has done on the city council. He is concerned that three people that might be on the next city council after the election are a part of a water company. They may not represent the city's position. He feels that it would be a good idea to appoint B Fresz to continue in this position.

221 **Item No. 5. General Plan Discussion:** The Providence City Council will discuss Chapters 7, 8, and 9 in the proposed  
222 general plan.

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- Jesse Bardsley, City Staff, showed the council how to access the shared Google Doc for commenting on the general plan.
  - S Bankhead said that the copy of the general plan that we put into the agenda packet that is available to the public will have the comments included, but it will only have the comments that were made up to the date of the posting of the agenda packet.
  - Mayor Drew spoke about open space preservation in Chapter 7 page 2. He said that the solution discussed at Envision Cache Valley was higher density. Boulder, Colorado preserved open space by acquiring a band of land around the city. The city owns it and leases it out. They also increased density and building height within the city.
  - Roy Sneddon asked if the increased density was left out of our plan on purpose.
  - S Bankhead said that the general plan directs us to make a plan for parks and open space. As part of that plan, we could suggest higher density.
  - R Sneddon felt that that would be kicking the can down the road.
  - S Bankhead said that the general plan is not the place where you put every specific thing that you want to do. Getting into the weeds of the strategies was one reason why this plan took a long time. We want the plan to be simple enough that a developer can read through it.
  - Mayor Drew suggested having another column where we can see what strategies we have already implemented.
  - B Fresz said that if we get too specific in the general plan, we have to update it frequently. Instead, we can reference other plans that get updated more frequently. That way, the general plan will stay up to date.
  - K Allen felt that the plan is a roadmap. We don't have to implement all the suggested strategies. Mayor Drew agreed.
  - B Fresz said that we should set a goal to approve the general plan at the last council meeting in December.
  - The council discussed the comments that were made on chapters 7,8, and 9 on the shared Google Doc. [Note: Some minor changes were marked in the comments on the Doc, and were not recorded in the minutes].
  - B Fresz said that his intent when he says that a plan should be reviewed every 5 years was to put an appropriate number of years. We should know when we are going to review each plan. He wasn't sure what number of years he should choose.
  - B Fresz said that we should find the right place in the General Plan to reference the 40 year water plan.
  - R Sneddon said that increased densities have to do with environmental stewardship, open spaces and scenic views. He feels that we should include increased zoning densities as a strategy in this section.
  - B Fresz said that we need to be careful not to include every relevant element in every section of the plan. The sections then get too large and repetitive. We should choose the section where each strategy is most relevant and include it there.
  - R Sneddon said that he will bring up increased density in every section that it applies, and hopefully by the end we will include it somewhere.
  - B Fresz explained that we should strike the date from all referenced documents (such as the BRAG Pre-Disaster Mitigation Plan 2015) so that we can refer to the most up to date document.
  - K Eck asked why we never do 7.a: Work with the Cache County Weed Division in their goal to "Uphold the State Noxious Weed Law, and assist citizens in their noxious weed control efforts." She asked if we do public education. Mayor Drew said that we do not. B Fresz said that the state and the university already have education programs. We could simply hand out their pamphlets.
  - S Bankhead mentioned R Sneddon's comment on page 1 of 5. We are doing the agreement at this time.

- 268 • R Sneddon’s comment about zoning density on Chapter 8 page 2 was brought up. Mayor Drew said that
- 269 we have quite a few zones that we could use to provide a variety of housing types and density. However,
- 270 on our current maps, we don’t seem to take advantage of those zones.
- 271 • Chapter 8 Section 2: Add G on objective 1: Promote land uses that reduce load demands on storm water,
- 272 water and sewer system.
- 273 • B Fresz spoke about his comment about referencing Localscapes. It is a website that provides landscaping
- 274 design guidance specifically for Utah in order to reduce water use and increase curb appeal.
- 275 • B Fresz asked where the best place to put a reference to the GIS would be.
- 276 • R Sneddon suggested that we reference it for each utility system.
- 277 • B Fresz said that we could make GIS an objective in itself. The strategies would then be things such as
- 278 procure equipment, develop a plan, update the system, etc.
- 279 • K Eck asked why B Fresz suggested reviewing the fire risk map annually. S Bankhead said that we don’t
- 280 have much input into that map. We just publish what we are sent.
- 281 • B Fresz asked about Chapter 9 Section 3, Objective 3.B. He asked how long we should go before updating
- 282 a capital facilities plan [for fire services].
- 283 • S Bankhead said that we won’t need a capital facilities plan for fire services unless we walk away from our
- 284 fire contract with Logan City.
- 285 • Mayor Drew said that CCEMS (Cache County Emergency Medical Services) will be disbanded after the end
- 286 of the year.
- 287 • B Fresz brought up Chapter 10, Annexation Policy Plan. He wonders whether we should add parts of
- 288 Millville to the map that we could connect to our sewer system.
- 289 • S Bankhead said that this chapter has already been adopted. The Annexation Policy Plan has its own rules
- 290 for being adopted. However, the council can change it if they would like.
- 291 • B Fresz said that we should start having discussions about providing sewer service to some areas of
- 292 Millville. We could either provide the service to residents of Millville or annex them into Providence with a
- 293 boundary line adjustment before providing the service.
- 294 • Mayor Drew said that some areas of Millville will have to have pump stations unless they use our sewer
- 295 system.
- 296 • Mayor Drew said that some people may want to hook into our system without becoming Providence
- 297 residents. K Allen said that he does not want to bail anyone in Millville out of their sewer problem.
- 298 • S Bankhead said that our policy has been that if they want to use our sewer, they should become a part of
- 299 Providence. We would like their property tax dollars as well as their utility fees.
- 300 • S Bankhead said that we would also do an impact fee if they became a part of Providence and hooked up
- 301 to our sewer.
- 302 • Mayor Drew said that those who hook up to our sewer will still have to pay Logan’s impact fee for
- 303 expansion in capacity. S Bankhead said that Providence residents were already paying for expansion in
- 304 capacity through their utility bills. Mayor Drew said that Logan will be adding an impact fee. What we are
- 305 paying for with our utility bills is a higher level of service in the new plant, not an increase in capacity.
- 306 • K Allen said that we know from experience that annexing more homes into Providence is not a money
- 307 maker for the city even with their property tax dollars. K Eck said that if we annex parts of Millville, we
- 308 also get their old roads, etc. B Fresz said that we could require them to improve the road as part of the
- 309 annexation agreement.
- 310 • Mayor Drew said that political boundaries should not make engineering decisions. B Fresz agreed.
- 311 • S Bankhead said that there is a part of Providence that would benefit from bringing in the northern part of
- 312 Millville.
- 313 • The council decided to review chapters 1, 2 and 3 of the general plan next meeting.

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

- 317 • B Fresz asked about the status of UTOPIA. S Bankhead said that we need to look at the example RFPs
- 318 (Requests for Proposal) and create our own RFP. Then we would run it past the city attorney.
- 319 • S Bankhead asked how the council wants to fund the fiber network. She needs to put the correct language
- 320

- 321 in the RFP. B Fresz said that he likes UTOPIA's model where they do the funding.  
322 • Mayor Drew said that we don't have the city staff to do any of that project ourselves. The best thing to do  
323 would be to have UTOPIA present at the mayor's dinner and then see if we can get other cities on board  
324 to lessen the city's share of the cost of pulling the cable from Tremonton.  
325 • B Fresz said that we want to have a fiber company do [the funding and the work], and we want them to  
326 do Wi-Fi in our parks and pull the fiber to irrigation systems and pump houses, etc.  
327 • Mayor Drew said that he had a meeting with the county. They discussed County Road 238. They decided  
328 that they would recommend to the County Council to approve the access for the Jensen Farm subdivision.  
329 • Mayor Drew reported that the 100 South court case has been remanded back to district court.  
330 • Mayor Drew said that we made a good decision on our contract with Logan City for fire and emergency  
331 services. With the disbanding of CCEMS, other cities will be in a world of hurt.  
332 • B Fresz said that we should switch our council meetings to Wednesday so that it is not on the same day as  
333 County Council. We are missing an opportunity to represent our city at County Council meetings. Mayor  
334 Drew said that with that schedule, we could also have something passed by Planning Commission and  
335 then considered by the Council the next day. B Fresz would like the next City Council to consider this.

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337 **Motion take a break and then enter into executive session: — B Fresz, second — R Sneddon**

338 **Vote:**

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

340 **Nay:**

341 **Abstained:**

342 **Excused:**

343 Entered executive session at approximately 9:12 PM

344

345 **Executive Session Notice:**

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

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

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

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353 **Motion to close the executive session: — K Eck, second — D Giles**

354 **Vote:**

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

356 **Nay:**

357 **Abstained:**

358 **Excused:**

359 Closed at approximately 9:25 PM.

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361 **The Mayor adjourned the public meeting.**

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363 Meeting adjourned at approximately 9:25 PM

364 Minutes prepared by Jesse Bardsley

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368 \_\_\_\_\_  
John Drew, Mayor

\_\_\_\_\_  
Skarlet Bankhead, City Recorder