

1 **PROVIDENCE CITY COUNCIL MEETING MINUTES**

2 **Wednesday, March 17, 2021 6:00 PM**

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

4
5 Members of the Council may be attending this meeting electronically.
6 This meeting was live streamed on Providence City’s YouTube Channel

7
8 **Opening Ceremony:**

9 Call to Order: Mayor Drew
10 Roll Call of City Council Members: Mayor Drew
11 Attendance: Kristina Eck, Carrie Kirk, Joshua Paulsen (Zoom), Jeanell Sealy, Brent Speth
12 Pledge of Allegiance: Mayor Drew
13 Opening Remarks – Prayer: Brent Speth

14
15 **Staff Reports:** Items presented by Providence City Staff (including but not limited to: Public Works Director,
16 Administrative Services Director, and City Manager) will be presented as information only.

17
18 Rob Stapley, Public Works Director:

- 19 • R Stapley reviewed current and future projects. The Dew Tank project is underway. R Stapley reviewed
20 the roads that we will be working on this season.

21
22 Skarlet Bankhead, Administrative Services Director

- 23 • We have been rearranging the office. Recreation is under way. We are looking for a Fun in the Sun
24 Director.
25 • We have been working on code enforcement.

26
27 Ryan Snow, City Manager

- 28 • Our Treasurer [Beth Munson] has decided to retire. We will be hiring a new treasurer as well as a new
29 recorder.
30 • We will be receiving funds from the American Rescue Plan Act of 2021.
31 • We will close tomorrow on the financing for our water tank.
32 • We are working on a Cemetery Master Plan grant application. We are working on an application for a
33 grant for a water master plan. We are working on bike trails with CRS so that we can implement some of
34 the suggestions from our Parks, Trails and Recreation Master Plan. We will submit these to the CMPO. We
35 are also applying for grants to improve Von Baer Park and Jay’s Well Park.

36
37 **Approval of the minutes**

38 The Providence City Council will consider approval of the minutes of February 17, 2021

39 ***Motion to approve the minutes: — J Sealy, second — C Kirk***

- 40 • Line 209: Change “situation” to “status.”

41 ***Vote:***

42 ***Yea: K Eck, C Kirk, J Paulsen, J Sealy, B Speth***

43 ***Nay:***

44 ***Abstained:***

45 ***Excused:***

46
47 **Public Hearing(s) 6:15PM:** Prior to making a decision on the vacation of a portion of city right-of-way and public
48 utility easements located in the general area of 293 North Gateway Drive, the City Council is holding a public
49 hearing. The purpose of the public hearing is to provide an opportunity for anyone interested to comment on the
50 vacation before action is taken.

- 51 • S Bankhead explained the background of the request.
52 • There were no public comments.

53
54 The following item was moved up by the Council:

55 **Land Development**

56 **Item No. 7. (Legislative) Ordinance 2021-001 – Right-of-Way Vacation:** The Providence City Council will consider
57 and may take action on an ordinance vacating a portion of city right-of-way and public utility easements located in
58 the general area of 293 North Gateway Drive.

59 **Motion to approve Item No. 7 Ordinance 2021[-001]: — C Kirk, second — J Paulsen**

60 **Vote:**

61 **Yea: K Eck, C Kirk, J Paulsen, J Sealy, B Speth**

62 **Nay:**

63 **Abstained:**

64 **Excused:**

65

66 **Public Comments:** Citizens may express their views to the City Council on issues within the City’s jurisdiction. The
67 City Council accepts comments: in-person, by email providencacityutah@gmail.com, and by text 435-752-9441.

- 68 • Matt Harris of Providence spoke about pickle ball noise. He thanked the City for putting out a sign asking
69 people to use quiet balls. He spoke about other noise mitigation strategies such as not allowing play in the
70 evenings and building a sound barrier.
- 71 • R Snow gave an update on some of our efforts to mitigate the problem. We have received a quote for an
72 acoustical fence. We have also changed our RAPZ grant application so that we can put additional pickle
73 ball courts elsewhere instead of at Leonhardt Park.
- 74 • M Harris said that the American Pickle Ball association recommends distances of about two football fields
75 from courts to homes. He also suggested that we have a company do design work for the best placement
76 and size of acoustical barriers.
- 77 • Mitchell Shook is the CEO of Advanced Stream Broadband, an internet service provider. He is excited
78 about Providence’s fiber project. He spoke about the benefits of an open access network and the
79 competition that it generates.
- 80 • Bonnie Grieff of Providence spoke about 5G. She thought that fiber would be the alternative to 5G. Why
81 are we now having both? 5G has negative health effects. She wonders whether the citizens of Providence
82 can opt out of 5G.
- 83 • Mayor Drew said that 5G would need to tap into the city’s fiber network and they would need permission
84 from the city in order to gain access. Some cities will allow it because it is a revenue source. We are a long
85 way away from having 5G.
- 86 • B Grieff asked about Provo’s fiber network. R Snow said that it is still operating today. Mayor Drew
87 explained the status of Provo’s fiber network and how it has helped their city.
- 88 • B Grieff asked about health concerns with 5G. C Kirk feels that 5G will not come to Providence until more
89 research is done. Mayor Drew said that it would have to come before a future council and be approved.

90

91 **Presentation & Discussion:**

92 **Item No. 1. Pam Kramer, Wildlife Habitat Biologist, Utah Division of Wildlife Resources,** will review and discuss
93 the Draft Millville-Providence Wildlife Management Area, Habitat Plan.

- 94 • P Kramer explained the proposal to close the bottom of Providence Canyon to target shooting and
95 camping because of all the issues that have occurred there.
- 96 • P Kramer spoke about creating an MOU about maintaining the picnic tables in the canyon.
- 97 • Members of the City Council suggested increasing the font size of the text on the proposed sign that
98 warns that citations will be issued for camping or shooting violations.
- 99 • Other potential signs and a kiosk were discussed. Creating a sign that tells people where they are allowed
100 to shoot was discussed. P Kramer said she will work on getting a kiosk installed.

101

102

103 **Item No. 2. Jeff Turley, Cache Valley Transit District Board Trustee** will review present the annual report.

- 104 • J Turley reviewed the previous year, including the new “loop” bus route. The loop was increasing in
105 ridership until COVID hit. Ridership overall has been down during COVID but is starting to pick back up
106 again.
107 • J Turley spoke about the current year plans including building a new storage facility and projects to help
108 riders access transit.
109 • Patrick Jenkins, Vice Chair, spoke about collaboration between Providence City and the CVTD.

110

111 **Appointments:**

112 **Item No. 3. (Administrative) Resolution 013-2021:** The Providence City Council will consider and may take action
113 on a resolution appointing Deon Johnson as a trustee on the Cache Mosquito Abatement District Board (CMAD).

114 ***Motion to approve resolution 013-2021: — K Eck, second — B Speth***

115 ***Vote:***

116 ***Yea: K Eck, C Kirk, J Paulsen, J Sealy, B Speth***

117 ***Nay:***

118 ***Abstained:***

119 ***Excused:***

120

121 **Elections:**

122 **Item No. 4. Discussion:** The Providence City Council will review and may act on the Cache County election services
123 proposal.

- 124 • S Bankhead gave a background on this proposal. She felt that we would not be able to save very much
125 money by doing the work ourselves.

126

127 **Master Plans:**

128

129 **Item No. 6. (Administrative) Master Plan Discussion:** The Providence City Council will review and
130 discuss the proposed wastewater/sewer collection master plan.

- 131 • Scott Archibald of Sunrise Engineering presented about the plan.
132 • Mayor Drew discussed modeling future growth and preparing for new commercial areas on the
133 west side of the highway. Future annexations were brought up.
134 • Replacing the line that leaves Providence and connects to Logan was discussed.
135 • S Archibald presented about the western area that will require a lift station. (2:07)
136 • Other sewer treatment options were discussed.
137 • Kent Dunkley of Providence asked about the possibility of connecting to Logan’s sewer at 1700
138 S. R Snow said that there are issues with the lift station in that area. K Dunkley said that he is
139 very interested to see if the City would bear the cost of boring under the intersection at 1700 S.
140 S Archibald said that going under that intersection is part of the Master Plan.

141

142 **Item No.5. (Administrative) Master Plan – Resolution 014-2021:** The Providence City Council will consider
143 and may take action on a resolution adopting the proposed Providence City, Utah Transportation Master Plan.

- 144 • Council member input was discussed. K Eck brought up the recommendations on page 6 related to 100 N.
145 M Pierce said that they would change the title of the column from “recommendations” to “possible
146 solutions.”
147 • C Kirk felt that primary goal No. 1 should read “people and vehicles” rather than “people not vehicles.”

148

149 **Land Development**

150 **Item No. 8. (Legislative) Ordinance 2021-003– Reaffirm Ordinance 2020-004:** The Providence City Council will
151 consider and may take action on an ordinance reaffirming Ordinance 2020-004 an ordinance granting a request to
152 disconnect a 0.40-acre parcel located south of 700 South in the general area of 330 West.

- 153 • S Bankhead explained the reason that we need to reaffirm the ordinance.

154 ***Motion to approve ordinance 2021-003 to reaffirm ordinance 2020-004: — K Eck, second — J Paulsen***

155 **Vote:**
156 **Yea: K Eck, C Kirk, J Paulsen, J Sealy, B Speth**
157 **Nay:**
158 **Abstained:**
159 **Excused:**

160
161
162 **Item No. 9. (Administrative) Resolution 011-2021 – Development Agreement:** The Providence City Council will
163 consider and may take action on a resolution approving a Development and Public Improvement Installation
164 Agreement for Shoreline Estates Subdivision Phase 1, a 23-lot single-family residential subdivision phase located in
165 the general area of 700 East Spring Creek Parkway.

166 **Motion to approve resolution 011-2021 the development agreement for the shoreline estates subdivision phase**
167 **1, a 23-lot subdivision, single family: — B Speth, second — J Sealy**

- 168 • S Bankhead spoke about Providence City’s ordinance that requires water dedication. The applicants are
169 asking us to consider adding another lot size category for determining how many acre feet they need to
170 dedicate. This would be an ordinance change.
- 171 • Paul Gibbons of the developer said that they would like to move forward with the development
172 agreement “as is” in the packet for phase 1. However, they would request that the city to look at this
173 issue so that it might be addressed in the future. They still have two more phases that will be approved in
174 the future.

175 **Vote:**
176 **Yea: K Eck, C Kirk, J Paulsen, J Sealy, B Speth**
177 **Nay:**
178 **Abstained:**
179 **Excused:**

180
181 **Item No. 10. (Administrative) Resolution 012-2021 – Development Agreement:** The Providence City Council will
182 consider and may take action on a resolution approving a Development and Public Improvement Installation
183 Agreement for Ballard Springs Subdivision, a 39-lot residential planned unit development (PUD) located in the
184 general area of 515 W 500 South.

185 **Motion to approve resolution 012-2021 a development agreement to include the changes that Skarlet has**
186 **outlined in 1.3 and 1.1.3: — J Paulsen, second — J Sealy**

- 187 • S Bankhead explained the background of this agreement.
- 188 • S Bankhead noted that we need to strike a part on page 2 at the bottom of 1.1.3 about a fee for seal
189 coating on private streets. We also need to strike the total fee.
- 190 • S Bankhead noted that we need to strike a section in 1.3 that says “or with the final phase of the project,
191 whichever is sooner.” Then, after that we need to add a new sentence: “From the meter to and
192 throughout the development shall be owned and maintained by the developer and their assigns.”
- 193 • Nic Porter of the developer explained what they are doing for street lighting.
- 194 • B Speth stepped out of the room before the vote and was therefore marked as excused.

195 **Vote:**
196 **Yea: K Eck, C Kirk, J Paulsen, J Sealy**
197 **Nay:**
198 **Abstained:**
199 **Excused: B Speth**

200
201 **Rates & Fees:**

202 **Item No. 11. (Administrative) Resolution 015-2021:** The Providence City Council will consider and may take action
203 on a resolution establishing user rates for the proposed fiber optic communications network.

204
205 **Motion to establish user rates, Resolution 015-2021, for the fiber optic network rates as outlined in the PPP**
206 **specifically the utility fee for all residents will be set at 10 per month, the network refresh fee will be set for \$7**

207 **per month for all subscribing residents at both 250 mbps and 1 gbps, and the network operator fee will be set at**
208 **\$20 per month for all subscribing residents at both 250 mbps and 1 gbps, the city infrastructure fee will be set at**
209 **\$15 per month for 250 mbps and the city infrastructure fee will be set at \$21 per month for 1 gbps. All city fees**
210 **will be collected by the city including the network operator fee, and that all fees be one line item on the utility**
211 **bill: — J Sealy, second — K Eck**

- 212 • R Snow said that there has been some desire by the ISPs to collect the network operator fee themselves.
213 However, he supports whatever the Council decides. One of the ISPs said that they would charge the \$20
214 fee regardless of whether or not we did.
- 215 • The Council discussed whether to have the city or the ISP collect the network operator fee.
- 216 • Candie Berthrong of Providence asked about the cost for fiber optics to residents. She is not a heavy
217 internet user but does do some streaming video. J Sealy explained that the basic rate will be \$10 per
218 month for 5 mbps down, 1 mbps up. This should be sufficient for a single video stream.
- 219 • Scott Theurer of Providence asked how the fiber would get to his house. R Snow said that the contractors
220 will use directional boring.
- 221 • Kathleen Alder of Providence thanked the Council and the staff for the fiber project. We need it in our
222 town and it is a positive thing.

223 **Vote:**

224 **Yea: J Sealy, K Eck**

225 **Nay: C Kirk, J Paulsen, B Speth**

226 **Abstained:**

227 **Excused:**

228

229 **Motion to have the fiber infrastructure fee for the basic be \$10, for the standard be \$25, and for the premium be**
230 **\$31; that the network refresh rate for the standard and premium be \$7; to not include the network operator fee**
231 **in this motion, but to have all charges in one line on the utility bill: — C Kirk, second — B Speth**

232 **Vote:**

233 **Yea: K Eck, C Kirk, J Paulsen, J Sealy, B Speth**

234 **Nay:**

235 **Abstained:**

236 **Excused:**

- 237 • B Speth proposed that those 75 and older who do not have a computer, iPad, laptop, etc., in their home
238 be exempt from the \$10 utility fee. He also proposed that anybody who qualifies for heat assistance
239 through BRAG be exempt from the \$10 fee.

240 **Motion that any person 75 years and older who does not have a computer, laptop, iPad, smartphone, etc. in**
241 **their home that would be using the system be exempt from paying the \$10 fee: — B Speth, second —**
242 **Motion died for lack of a second**

- 243 • Kathleen Alder of Providence felt that setting individual conditions at this point will be very difficult.

244 **Motion that we give exemption [to the \$10 basic service charge] to any individual or household that qualifies**
245 **under the BRAG requirements for heat assistance, upon presentation of verification from BRAG: — B Speth,**
246 **second — C Kirk**

247 **Vote:**

248 **Yea: K Eck, C Kirk, J Paulsen, J Sealy, B Speth**

249 **Nay:**

250 **Abstained:**

251 **Excused:**

252

253 **Motion to form a grievance committee with two Council members and a member of the city staff: — J Paulsen,**
254 **second —**

255 **Motion died for lack of a second**

- 256 • R Snow recommended that we have specific criteria. The committee could identify the criteria.

257 **Motion to form a compassion committee formed by two Council members and a City staff member by**
258 **appointment of the City manager to look at possible parameters for exceptions: — J Paulsen, second — B Speth**

259 **Vote:**
260 **Yea: K Eck, C Kirk, J Paulsen, J Sealy, B Speth**
261 **Nay:**
262 **Abstained:**
263 **Excused:**
264

- 265 • R Snow spoke about the network operator fee. He explained that UTOPIA charges the ISPs \$22.50. Our fee
266 has been proposed for \$20. The ISPs he has talked to have preferred to bill that amount to the customer
267 and then remit it.
- 268 • J Paulsen was concerned that if the city bills the amount there will be confusion because some people’s
269 utility bills will be higher than other people’s utility bills. He was also concerned that if we operate
270 differently from the broader market, ISPs will have to adjust their marketing strategy.
- 271 • J Sealy was concerned about what would happen if we changed network operators and were not the ones
272 charging the fee.
- 273 • C Kirk was concerned that if we charge the fee rather than letting the ISP collect it, we will not create an
274 inviting environment for ISPs. Perceived value is also important. She also felt that there is proof of
275 concept because UTOPIA allows the ISPs to collect the fee.
- 276 • Mitchell Shook of Advanced Stream said that it is better for the customer to see as much of the cost on
277 their ISP bill as possible. It is also easier for the city to transfer the burden of collecting it to the ISP. His
278 company considers it a local transportation fee, and it makes sense to charge more for greater bandwidth.
279 He expressed concern that STRATA will be both the network operator and a competitor ISP.
- 280 • K Alder expressed concern about residents getting charged more on their utility bill than they expected.

281 **Motion to allow the ISPs to collect the network operator fee and remit that to the city: — J Paulsen, second — C**
282 **Kirk**

283 **Vote:**
284 **Yea: C Kirk, J Paulsen, B Speth**
285 **Nay: J Sealy**
286 **Abstained: K Eck**
287 **Excused:**
288

289 **Fiber Project Financing:**

290 **Item No. 12. Discussion:** The Providence City Council will review and may take action the next steps for the
291 issuance of the Municipal Energy and Sales Tax Revenue Bonds

- 292 • This item was not discussed.

293 **Appointments (cont):**

294 **Item No. 13. (Administrative) Resolution 016-2021:** The Providence City Council will consider and may take action
295 on a resolution appointing a city recorder.

296 **Item No. 14. (Administrative) Resolution 017-2021:** The Providence City Council will consider and may take action
297 on a resolution appointing a city treasurer.

- 298 • R Snow asked the Council how they would like to give their advice and consent on the candidates for the
299 two jobs.
- 300 • The Council decided to enter an executive session to discuss the candidates

301
302 **Motion to enter executive session: — C Kirk, second — J Paulsen**

303 **Vote:**
304 **Yea: K Eck, C Kirk, J Paulsen, J Sealy, B Speth**
305 **Nay:**
306 **Abstained:**
307 **Excused:**

308 Executive session entered at approximately 10:00 PM

309
310 **Executive Session Notice:**

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

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

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

317

318 **Motion to close the executive session: — K Eck, second — C Kirk**

319 **Vote:**

320 **Yea: K Eck, C Kirk, J Paulsen, J Sealy, B Speth**

321 **Nay:**

322 **Abstained:**

323 **Excused:**

324 Executive session closed at approximately 10:20 PM

325

326 **Motion for item No. 13 and 14 resolution 016 and 017 2021 that we approve the offers that Ryan has made for**
327 **filling these positions and the contingency offers: — C Kirk, second — J Paulsen**

328 **Vote:**

329 **Yea: K Eck, C Kirk, J Paulsen, J Sealy, B Speth**

330 **Nay:**

331 **Abstained:**

332 **Excused:**

333

334 **Council Reports:** Items presented by the City Council members will be presented as informational only; no formal
335 action will be taken.

- 336 • No council reports.

337

338 **Motion to adjourn: — B Speth, second — K Eck**

339 **Vote:**

340 **Yea: K Eck, C Kirk, J Paulsen, J Sealy, B Speth**

341 **Nay:**

342 **Abstained:**

343 **Excused:**

344 Meeting adjourned at approximately 10:21 PM

345 Minutes prepared by Jesse Bardsley

346 Minutes approved by vote of the Council on April 21, 2021

347

348

349

350

351 _____
John Drew, Mayor

Skarlet Bankhead, City Recorder