

PROVIDENCE CITY COUNCIL MEETING MINUTES

Wednesday, April 21, 2021 6:00 PM

Location: This was a virtual meeting via Zoom. Members of the City Council were at the Utah League of Cities and Towns Mid-Year Conference in St. George.
Members of the Council may have attended this meeting electronically.
This meeting was live streamed on Providence City's YouTube Channel

Opening Ceremony:

Call to Order: Mayor Drew
Roll Call of City Council Members: Mayor Drew
Attendance: John Drew, Kristina Eck, Carrie Kirk, Jeanell Sealy, Joshua Paulsen, Brent Speth
Pledge of Allegiance: Mayor Drew
Opening Remarks – Prayer: Carrie Kirk

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

Skarlet Bankhead, Administrative Services Director

- Recreation is underway. We are selling concessions at our snack stand. Allowing other groups to use the snack stand was discussed.
- Allowing outside groups to utilize the classroom space in the city office was discussed.

Rob Stapley, Public Works Director

- R Stapley reviewed ongoing projects, future projects and budgets.
- The Blacksmith Fork irrigation cleanout was discussed.

Ryan Snow, City Manager

- R Snow gave an update on fiber. Our bonds were sold. We have issued the notice to proceed for construction to start. We have a website, providence.fibertomycity.com, where residents can sign up for service. The South Bench is currently leading the sign ups.
- R Snow gave an update on our master plans.
- Justin Blaylock is making progress on our cemetery mapping.
- Staff trainings were discussed.
- R Snow reviewed our grant applications.
- We have been working on addressing the bus parking issues with the elementary school.
- Bringing fiber to private HOAs was discussed. R Snow explained that we budgeted to bring it to those areas.
- Fiber design and construction was discussed. Involving the Technical Advisory Committee (TAC) was discussed. R Snow expects that construction will begin in May.
- The bike lane grant was discussed.

Approval of the minutes

Item No. 1. Minutes. The Providence City Council will consider approval of the minutes of March 17, 2021

Item No. 2. Minutes. The Providence City Council will consider approval of the minutes of March 24, 2021

Motion to approve the minutes from March 17th and March 24, 2021: — C Kirk, second — J Sealy

Vote:

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

Nay:

Abstained:

Excused:

PUBLIC HEARING(S):

Providence City Council Minutes
Wednesday, April 21, 2021

Page 1 of 7

Item No. 3. Annexation: Prior to making a decision on granting the annexation petition and assigning a land use zone(s) requested by Jack Nixon for Baer Nixon, Inc. the City Council is holding a public hearing. The purpose of the public hearing is to provide an opportunity for anyone interested to comment on the annexation before action is taken. The property described in the annexation petition contains Parcel No. 02-111-0006, located adjacent to the east boundary of Providence City, in the general area of 900 East Eagleview Dr, containing 17.72 acres. The petitioner is requesting Single-Family Traditional zoning. The City Council invites you to offer your comments by email to providencecityutah@gmail.com or text to 435-752-9441.

- Julie Hollist Terrill of Providence and her husband, who live at 781 Eagle View Drive (comment submitted by email) are opposed to the annexation and most likely the future development of this parcel. They have experienced a large increase in traffic due to Little Baldy subdivision already. Noise from trucks has been an issue day and night. Off road vehicles, dirt bikes, etc., have also caused noise. There has been a decrease in wildlife and birds due to construction and there will be other negative habitat effects with additional construction. The fire danger will also increase due to houses built against the mountainside.
- Mimi Recker of Providence (comment submitted by email) is opposed to this annexation. The city is not required to annex for any reason, and this annexation will result in a serious degradation of the quality of life in Providence. She believes the development would add approximately 70 homes. She expressed concern about traffic and the fact that there are only two egresses from this area. The new development could add 500 car trips per day, leading to an unsafe situation. M Recker asked about water, infrastructure and green space. She expressed concerns about earthquake safety, mudslide and erosion issues. She hopes the city will not annex this parcel, but if they decide to, she hopes the Council will consider a Single Family Large district which is more appropriate for areas on the bench.
- Alex Bearnson of the developer spoke about the development. He also grew up in this area and understands the concerns. He wants to make sure this development is nice, and he would like to incorporate the trail into it. They have considered a park in the area, and would love to work with the city on that.

BUSINESS ITEMS:

Annexation:

Item No. 4. Ordinance No 2021-005. The Providence City Council will consider and may take action on an ordinance granting the annexation petition and assigning a Single-Family Traditional zone for Parcel No. 02-111-0006, located adjacent to the east boundary of Providence City, in the general area of 900 East Eagleview Dr, containing 17.72 acres

Motion to approve item No. 4 Ordinance No 2021-005: — C Kirk, second — J Paulsen

- S Bankhead explained that this area is part of our annexation policy area in the General Plan. It shows the area as Single Family Traditional in the Plan.
- S Bankhead explained that a significant portion of this property falls under the “hazard slope” ordinance. That acreage is not allowed to be included in the available acreage for density. Once roads, etc., are taken out, she estimated that the number of lots that could actually be put in would be in the 30s. S Bankhead said that the property has been considered in our infrastructure plans for some time.
- R Snow spoke about plans for a park on the property.
- S Bankhead noted that access to the deer fence for fire safety would continue with this annexation.
- Water rights were discussed. The extent of the alteration of natural slopes was discussed.
- Alex Bearnson of the developer thinks that there will be less than 33 lots in the subdivision. There are many variables that affect this.
- B Speth encouraged the developer to consider the wildland fire area when designing this subdivision. A Bearnson said that the trail will be a fire break and that they may improve it. Changing the location of the trail was discussed. The brush truck easement was discussed. A Bearnson said that they plan on having a public access point to the trail in the development.
- Lot size averaging was discussed.

Vote:

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

Nay:

Abstained:

Excused:

Item No. 5. Resolution 026-2021 Annexation for Further Consideration. The Providence City Council will consider and may take action on a resolution accepting a petition for annexation for further consideration for Parcel No.(s) 02-089-0019, 02-090-0002, 02-090-0005, 02-090-0008, 02-090-0009, 02-090-0010, 03-002-0003, and 03-002-0004 located adjacent to the southwest boundary of the City in the approximate area of 900 W 300 south and 500 S SR165, containing 88.58 +/- acres

Motion to approve Resolution 026-2021: — B Speth, second — J Sealy

- S Bankhead explained that this resolution would start the process of evaluating the annexation request. She explained that this annexation would include a portion of county road.

Vote:

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

Nay:

Abstained:

Excused:

Item No. 6. Resolution 010-2021 Municipal Boundary Line Adjustment. The Providence City Council will consider and may take action on a resolution stating the City's intent to adjust a common boundary between Providence City and Millville City involving Parcel No. 02-117-0015 and 02-117-0020 located in the general area of 600 S 285 West and 645 S 200 W.

- S Bankhead explained the background of this request.
- Mike Zollinger explained the layout of the proposed development.

Motion to approve resolution 010-2021 the Municipal Boundary Line Adjustment: — K Eck, second — J Sealy

Vote:

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

Nay:

Abstained:

Excused:

Public Comments:

Citizens may express their views to the City Council on issues within the City's jurisdiction.

The City Council accepts comments: by email providencecityutah@gmail.com, and by text 435-752-9441.

- Christine Jackman (comment sent by email) would be very impacted by the proposed annexation by Eagle View Drive. She is hoping that the lot sizes will be larger, and that a park/open space would be planned into the development. It is very important to many Providence residents that we can easily access and use the deer fence trail.
- Kendall Pace asked about Item No. 6 (comment was taken during item No. 7). He wondered about the zoning of the Guymon parcel. The Council determined that the General Plan indicates that this parcel would come in as Single Family Residential (SFR).

Appointments:

Item No. 7. Resolution 018-2021 Certification of Authorized Individuals. The Providence City Council will consider and may take action on a resolution authorizing Natalie Wood, City Treasurer, and Tyler Cameron, City Recorder, to act on behalf of Providence City PTIF accounts.

Motion to approve resolution 018-2021: — J Paulsen, second — B Speth

Vote:

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

Nay:

Abstained:

Excused:

Agreements, Contracts, Bid Awards:

Item No. 8. Resolution 021-2021 Bid Award. The Providence City Council will consider and may take action on a resolution awarding the contract for the 2021 street resurfacing and improvement projects.

- R Snow explained that we had two bids, one from Staker Parson Materials & Construction, and one from LeGrand Johnson Construction. The recommendation of the staff is to accept the lower bid from LeGrand Johnson Construction.
- The schedule of the construction was discussed.

Motion to approve resolution 021-2021 so we can move forward with getting the street repair done with the low bidder LeGrand Johnson: — B Speth, second — C Kirk

Vote:

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

Nay:

Abstained:

Excused:

Item No. 9. Resolution 028-2021 Election Administration. the Providence City Council will consider and may take action on a resolution the Interlocal Agreement between Cache County and Providence CITY for the Administration of 2021 Municipal Elections

Motion to approve resolution 028-2021 Election Administration to Cache County: — J Sealy, second — C Kirk

Vote:

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

Nay:

Abstained:

Excused:

City Code Amendment:

Item No. 10. Ordinance 2021-004: The Providence City Council will consider and may take action on an ordinance Providence City Code (PCC) Title 5 Chapter 1 Animal Control Section 30 Responsibility.

Motion to approve Ordinance 2021-004: — J Paulsen, second — J Sealy

- S Bankhead explained the background of this request.
- Enforcement was discussed.

Vote:

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

Nay:

Abstained:

Excused:

Master Plans:

Item No. 11. Resolution 014-2021 Master Plan: The Providence City Council will consider and may take action on a resolution adopting the proposed Providence City, Utah Transportation Master Plan.

Motion to approve resolution 014-2021 Transportation Master Plan with the recommended amendments: — J Sealy, second — C Kirk

- R Snow said that he would like to incorporate some comments from J Sealy.
- J Sealy explained her proposed corrections about formatting. She also would like 400 E from Center St to 200 N to be included in the plan. R Stapley explained that this section of road is one that we will repair. It also needs water line work. R Snow suggested waiting to identify it in the water master plan. M Pierce said that they added it to the Transportation Master Plan earlier today.
- Scott Shea of CRS Engineers addressed the location of the bike lane projects in the plan. The capital improvement plan projects have all been moved to Chapter 6.

Vote:

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

Nay:

Abstained:

Excused:

Land Development:

Item No. 12. Resolution 023-2021 Development and Public Improvement Installation Agreement. The Providence City Council will consider and may take action on a resolution approving a Development and Public Improvement Installation Agreement for Providence Gateway Subdivision Phase N a single-family attached [townhome] development containing 6 residential buildings with a combined total of 38 dwelling units, located in the general area of 60 North Gateway Drive.

Motion for resolution 023-2021 to table it until we get Visionary Homes in to have an explanation of why they are not meeting our design standards on their other developments: — K Eck, second — C Kirk

- C Kirk explained that it has come to our attention that the buildings currently being built by Visionary Homes are getting progressively less and less rock work, etc. The elevations aren't meeting our standards. K Eck explained that our Life Cycle Zone and our Multi Family Zones require a certain amount of rock or brick.
- Jon Harrop of Visionary Homes explained that the communities were designed to the City's standards. He will have to look into this issue. He wishes that it would have been brought up earlier so this project would not be delayed.
- K Eck explained that the deficiencies have been observed in the Vineyard project and in multi family projects. She also doesn't know why the condos at Gateway were built without rock or stone.
- The Council discussed the relevant City Code requirements.
- Mayor Drew explained that this item will be tabled until the next council meeting. In the meantime, staff will meet with Visionary Homes to resolve the issue.

Vote:

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

Nay:

Abstained:

Excused:

Item No. 13. Resolution 024-2021 Development and Public Improvement Installation Agreement. The Providence City Council will consider and may take action on a resolution approving a Development and Public Improvement Installation Agreement for Providence City Center Subdivision, a 4-lot (with a remainder parcel) mixed use development containing 3 retail/commercial buildings and 7 residential buildings with a combined total of 54 multi-family dwelling units, located in the general area of 95 South Gateway Drive.

Motion to approve Item No. 13 Resolution 024-2021: — C Kirk, second — J Paulsen

- S Bankhead explained some background about the development and its phasing.
- Access to Alder Square was discussed. Access to 100 North was discussed.
- Rent rates for the units were discussed. The exterior materials were discussed. The floor plans were discussed.
- Creating a safe crosswalk for children walking to school and for other users was discussed. R Stapley discussed the issue of a midblock crosswalk. There are some concerns with it, but it is an option. An aerial crossing would be the best. Improving the crossings at the roundabout was discussed. The Council decided to hand the issue of crossing safety over to city staff to look into.

Vote:

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

Nay:

Abstained:

Excused:

Item No. 14. Resolution 025-2021 Development and Public Improvement Installation Agreement. The Providence City Council will consider and may take action on a resolution approving a Development and Public

Improvement Installation Agreement for Sage Crest Subdivision, a 15-lot residential subdivision located in the general area of 150 N Sherwood Dr.

- S Bankhead reviewed the background of this application.
- S Bankhead noted that the developer will be dedicating 18.27 acre feet of water rights instead of the fee in lieu. This is a change from what is on the resolution.

Motion to approve Resolution 025-2021 with dedicated water rights [18.27 acre feet] rather than a fee in lieu for Sage Crest Subdivision: — K Eck, second — C Kirk

Vote:

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

Nay:

Abstained:

Excused:

Item No. 15. Resolution 027-2021 Development and Public Improvement Installation Agreement. The Providence City Council will consider and may take action on a resolution approving a Development and Public Improvement Installation Agreement for Fickas Commercial Subdivision; a 4-lot subdivision with three commercial lots and one remainder residential parcel located in the general area of 750 West 300 South.

- R Snow discussed the sewer situation in the area. The developer would like us to participate in going under Highway 165. UDOT would like us to do any boring prior to an upcoming maintenance project that they have scheduled.
- S Bankhead suggested that this be broken up into two pieces. First, the Council could approve the portions that pertain to city participation in the sewer. The rest of the development agreement could be approved later. The sewer improvement would qualify for impact fees and could be included in our impact fee facility portion of the sewer master plan. We could recover the cost through impact fees as development occurs in that area.
- The UDOT moratorium was discussed. The sewer needs of the [potential] annexation near this property (approved for consideration earlier in the meeting) was discussed.

Motion to table the development agreement, item No. 15 Resolution 027-2021, and approve the boring of the hole under highway 165, and that it be an adequate diameter to service possible annexation: — C Kirk, second — J Sealy

Vote:

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

Nay:

Abstained:

Excused:

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

Carrie Kirk:

- J Sealy and C Kirk met with residents who live near the pickle ball court. They would like us to consider switching the tennis courts at Zollinger park with the pickleball courts at Leonhardt Park. R Snow said that they are different sizes. J Paulsen would also like us to measure and consider the possibility. R Snow will measure it.

Jeanell Sealy:

- Blacksmith Fork Irrigation Company asked if we could help them schedule their water turns.

Brent Speth

- B Speth reported about the water change application for Spring Creek Water Company. The Bear River Water Users Association filed a supplemental information request. The attorneys have responded and should be able to satisfy the State Water Engineer.

Mayor Drew

- Mayor Drew reported on the COG meeting.

Motion to enter executive session: — J Sealy, second — K Eck

- The executive session is to discuss pending or imminent litigation.

Vote:

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

Nay:

Abstained:

Excused:

Executive session entered at approximately 9:45 PM

Executive Session Notice:

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

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

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

Motion to close executive session: — J Sealy, second — C Kirk

Vote:

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

Nay:

Abstained:

Excused:

Executive session closed at approximately 10:10 PM

Motion to adjourn: — K Eck, second — C Kirk

Vote:

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

Nay:

Abstained:

Excused:

Meeting adjourned at approximately 10:10 PM

Minutes prepared by Jesse Bardsley

John Drew, Mayor

Tyler Cameron, City Recorder