

1 **PROVIDENCE CITY COUNCIL MEETING MINUTES**

2 **Wednesday, April 21, 2021 6:00 PM**

3 **Location:** This was a virtual meeting via Zoom. Members of the City Council were at the Utah League of
4 Cities and Towns Mid-Year Conference in St. George.
5 Members of the Council may have attended 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: John Drew, Kristina Eck, Carrie Kirk, Jeanell Sealy, Joshua Paulsen, Brent Speth
12 Pledge of Allegiance: Mayor Drew
13 Opening Remarks – Prayer: Carrie Kirk
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 Skarlet Bankhead, Administrative Services Director

- 19 • Recreation is underway. We are selling concessions at our snack stand. Allowing other groups to use the
20 snack stand was discussed.
- 21 • Allowing outside groups to utilize the classroom space in the city office was discussed.
22

23 Rob Stapley, Public Works Director

- 24 • R Stapley reviewed ongoing projects, future projects and budgets.
- 25 • The Blacksmith Fork irrigation cleanout was discussed.
26

27 Ryan Snow, City Manager

- 28 • R Snow gave an update on fiber. Our bonds were sold. We have issued the notice to proceed for
29 construction to start. We have a website, providence.fibertomycity.com, where residents can sign up for
30 service. The South Bench is currently leading the sign ups.
- 31 • R Snow gave an update on our master plans.
- 32 • Justin Blaylock is making progress on our cemetery mapping.
- 33 • Staff trainings were discussed.
- 34 • R Snow reviewed our grant applications.
- 35 • We have been working on addressing the bus parking issues with the elementary school.
- 36 • Bringing fiber to private HOAs was discussed. R Snow explained that we budgeted to bring it to those
37 areas.
- 38 • Fiber design and construction was discussed. Involving the Technical Advisory Committee (TAC) was
39 discussed. R Snow expects that construction will begin in May.
- 40 • The bike lane grant was discussed.
41

42 **Approval of the minutes**

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

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

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

46 ***Vote:***

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

48 ***Nay:***

49 ***Abstained:***

50 ***Excused:***

51 **PUBLIC HEARING(S):**

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

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

78
79 **BUSINESS ITEMS:**

80 **Annexation:**

81 **Item No. 4. Ordinance No 2021-005.** The Providence City Council will consider and may take action on an
82 ordinance granting the annexation petition and assigning a Single-Family Traditional zone for Parcel No. 02-111-
83 0006, located adjacent to the east boundary of Providence City, in the general area of 900 East Eagleview Dr,
84 containing 17.72 acres

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

- 86 • S Bankhead explained that this area is part of our annexation policy area in the General Plan. It shows the
87 area as Single Family Traditional in the Plan.
- 88 • S Bankhead explained that a significant portion of this property falls under the “hazard slope” ordinance.
89 That acreage is not allowed to be included in the available acreage for density. Once roads, etc., are taken
90 out, she estimated that the number of lots that could actually be put in would be in the 30s. S Bankhead
91 said that the property has been considered in our infrastructure plans for some time.
- 92 • R Snow spoke about plans for a park on the property.
- 93 • S Bankhead noted that access to the deer fence for fire safety would continue with this annexation.
- 94 • Water rights were discussed. The extent of the alteration of natural slopes was discussed.
- 95 • Alex Bearnson of the developer has a preliminary plan showing 26 lots. He thinks that the slopes would
96 not allow more than about 33 lots. There are many variables that affect this.
- 97 • B Speth encouraged the developer to consider the wildland fire area when designing this subdivision. A
98 Bearnson said that the trail will be a fire break and that they may improve it. Changing the location of the
99 trail was discussed. The brush truck easement was discussed. A Bearnson said that they plan on having a
100 public access point to the trail in the development.
- 101 • Lot size averaging was discussed.

102 ***Vote:***

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

104 ***Nay:***

105 **Abstained:**
106 **Excused:**

107
108 **Item No. 5. Resolution 026-2021 Annexation for Further Consideration.** The Providence City Council will consider
109 and may take action on a resolution accepting a petition for annexation for further consideration for Parcel No.(s)
110 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
111 located adjacent to the southwest boundary of the City in the approximate area of 900 W 300 south and 500 S
112 SR165, containing 88.58 +/- acres

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

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

116 **Vote:**

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

118 **Nay:**

119 **Abstained:**

120 **Excused:**

121

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

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

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

129 **Vote:**

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

131 **Nay:**

132 **Abstained:**

133 **Excused:**

134

135 **Public Comments:**

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

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

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

145

146 **Appointments:**

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

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

151 **Vote:**

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

153 **Nay:**

154 **Abstained:**

155 **Excused:**

156

157 **Agreements, Contracts, Bid Awards:**
 158 **Item No. 8. Resolution 021-2021 Bid Award.** The Providence City Council will consider and may take action on a
 159 resolution awarding the contract for the 2021 street resurfacing and improvement projects.
 160 • R Snow explained that we had two bids, one from Staker Parson Materials & Construction, and one from
 161 LeGrand Johnson Construction. The recommendation of the staff is to accept the lower bid from LeGrand
 162 Johnson Construction.
 163 • The schedule of the construction was discussed.
 164 **Motion to approve resolution 021-2021 so we can move forward with getting the street repair done with the low**
 165 **bidder LeGrand Johnson: — B Speth, second — C Kirk**
 166 **Vote:**
 167 **Yea: K Eck, C Kirk, J Paulsen, J Sealy, B Speth**
 168 **Nay:**
 169 **Abstained:**
 170 **Excused:**
 171
 172 **Item No. 9. Resolution 028-2021 Election Administration.** the Providence City Council will consider and may take
 173 action on a resolution the Interlocal Agreement between Cache County and Providence CITY for the Administration
 174 of 2021 Municipal Elections
 175 **Motion to approve resolution 028-2021 Election Administration to Cache County: — J Sealy, second — C Kirk**
 176 **Vote:**
 177 **Yea: K Eck, C Kirk, J Paulsen, J Sealy, B Speth**
 178 **Nay:**
 179 **Abstained:**
 180 **Excused:**
 181
 182 **City Code Amendment:**
 183 **Item No. 10. Ordinance 2021-004:** The Providence City Council will consider and may take action on an ordinance
 184 Providence City Code (PCC) Title 5 Chapter 1 Animal Control Section 30 Responsibility.
 185 **Motion to approve Ordinance 2021-004: — J Paulsen, second — J Sealy**
 186 • S Bankhead explained the background of this request.
 187 • Enforcement was discussed.
 188 **Vote:**
 189 **Yea: K Eck, C Kirk, J Paulsen, J Sealy, B Speth**
 190 **Nay:**
 191 **Abstained:**
 192 **Excused:**
 193
 194 **Master Plans:**
 195 **Item No. 11. Resolution 014-2021 Master Plan:** The Providence City Council will consider and may take action
 196 on a resolution adopting the proposed Providence City, Utah Transportation Master Plan.
 197 **Motion to approve resolution 014-2021 Transportation Master Plan with the recommended amendments: — J**
 198 **Sealy, second — C Kirk**
 199 • R Snow said that he would like to incorporate some comments from J Sealy.
 200 • J Sealy explained her proposed corrections about formatting. She also would like 400 E from Center St to
 201 200 N to be included in the plan. R Stapley explained that this section of road is one that we will repair. It
 202 also needs water line work. R Snow suggested waiting to identify it in the water master plan. M Pierce
 203 said that they added it to the Transportation Master Plan earlier today.
 204 • Scott Shea of CRS Engineers addressed the location of the bike lane projects in the plan. The capital
 205 improvement plan projects have all been moved to Chapter 6.
 206 **Vote:**
 207 **Yea: K Eck, C Kirk, J Paulsen, J Sealy, B Speth**
 208 **Nay:**

209 **Abstained:**

210 **Excused:**

211

212 **Land Development:**

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

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

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

232 **Vote:**

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

234 **Nay:**

235 **Abstained:**

236 **Excused:**

237

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

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

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

252 **Vote:**

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

254 **Nay:**

255 **Abstained:**

256 **Excused:**

257

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

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

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

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

267 **Vote:**

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

269 **Nay:**

270 **Abstained:**

271 **Excused:**

272

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

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

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

290 **Vote:**

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

292 **Nay:**

293 **Abstained:**

294 **Excused:**

295

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

298

299 Carrie Kirk:

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

304

305 Jeanell Sealy:

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

307 Brent Speth

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

311

312 Mayor Drew
313 • Mayor Drew reported on the COG meeting.
314

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

316 • The executive session is to discuss pending or imminent litigation.

317 **Vote:**

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

319 **Nay:**

320 **Abstained:**

321 **Excused:**

322 Executive session entered at approximately 9:45 PM

323

324 **Executive Session Notice:**

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

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

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

331

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

333 **Vote:**

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

335 **Nay:**

336 **Abstained:**

337 **Excused:**

338 Executive session closed at approximately 10:10 PM

339

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

341 **Vote:**

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

343 **Nay:**

344 **Abstained:**

345 **Excused:**

346 Meeting adjourned at approximately 10:10 PM

347 Minutes prepared by Jesse Bardsley

348 Minutes approved by vote of the Council on May 19, 2021

349

350

351

352

353 _____
John Drew, Mayor

Tyler Cameron, City Recorder