

1 PROVIDENCE CITY COUNCIL MEETING MINUTES

2 Wednesday, June 16th 6:00 PM

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

4
5 Members of the Council may be attending this meeting electronically. This meeting was live streamed on
6 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, Josh Paulsen, Jeanell Sealy (arrived 6:20 PM)

12 Excused: Brent Speth

13 Pledge of Allegiance: John Drew

14 Opening Remarks – Prayer: Carrie Kirk

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

18
19 Rob Stapley, Public Works Director

- 20 • We stayed within our budget while accomplishing most of our goals. We are still looking to fill our water and sewer
21 supervisory position. We added an entry level employee, Zane Adams, to the department.
- 22 • The fiber project is underway. We are getting ready for the downtown streets project which should start early July.
- 23 • The new reservoir is progressing.
- 24 • R Stapley addressed water conservation. Due to the hot temperatures, we are seeing higher-than-normal water use. The
25 city has cut down our watering on city property. R Stapley said that people can usually cut back on the amount of time
26 that they water and still keep their grass pretty green. We are working on some ways to help notify and educate the
27 public.
- 28 • K Eck said that residents really liked the flags at the roundabout.
- 29 • J Paulsen felt that it might be time to discuss how to solve the problem we are having with finding qualified people to
30 hire.

31
32 Tyler Cameron, City Recorder

- 33 • We have two candidates for mayor and four candidates for our two council positions. We will not have a primary. We
34 will go straight to the general election in November.
- 35 • Justice Court will be going to in-person starting in July.
- 36 • We are doing a recodification of the city code through Municode.

37
38 Skarlet Bankhead, Administrative Services Director

- 39 • We attended the Cache Summit. Our unemployment rate [in Cache Valley] is below full employment. Our housing stock
40 is low. We discussed how to expedite our land use application process.
- 41 • We have started using email for code compliance correspondence. It is working well. We would like to expand our email
42 list. We are encouraging people to sign up for the Providence Pipeline notification service.
- 43 • Recreation is ongoing. Flag football registration will start soon.

44
45 Ryan Snow, City Manager

- 46 • We did a citizen satisfaction survey.
- 47 • We are working on getting internet service providers for our fiber network.
- 48 • We will soon send out the RFP for the Water Master Plan.

- 49 • We applied for a CMAQ grant for bike routes. It looks like we will get the grant.
50

51 **Approval of the minutes:**

52
53 ➤ **Item No. 1 Minutes (EXHIBIT):**The Providence City Council will consider approval of the minutes of **May 19th 2021**
54 **Motion to approve the minutes from May 19: — C Kirk, second — J Sealy**

- 55 • Add discussion about the length of the meeting (towards the end)

56 **Vote:**

57 **Yea: K Eck, C Kirk, J Paulsen**

58 **Nay:**

59 **Abstained:**

60 **Excused: J Sealy, B Speth**
61

62 **Public Comments:** Citizens may express their views to the City Council on issues within the City's jurisdiction. The City Council
63 accepts comments: by email providencecityutah@gmail.com, and by text 435-752-9441.

- 64 • Chad Checketts of Providence complimented the staff and council on the transparency that is being enhanced in the city.
65 He is grateful for the council and for the city manager and the work that they do.
66 • Pam Flygare of Providence has attended some city council meetings that went late into the evening. She is a proponent
67 of going back to two meetings per month. It is better for the Council and for the residents. Mayor Drew said that he can
68 put the issue on a future agenda for discussion.
69 • K Eck said that even when the meetings were two times per month, they were never two hours long. They were regularly
70 going past 10:30 PM.
71 • Mayor Drew explained that the City Council has an obligation to have public discussion. There are also certain items that
72 only the City Council can decide. Sometimes the meetings go long.
73

74 **Public Hearings:**

- 75
76 ➤ **Item No. 2 Vacate Right of Way on 300 E:** The Providence City Council will hold a public hearing regarding request to
77 vacate right of way on or about 300 E, general area of 152 S to 100 S.
78 ○ S Bankhead explained the background of this request.
79 ○ Tony Johnson, property owner, said that they want to provide more buffer to the lot. They plan on putting a
80 home on the lot.
81
82 ➤ **Item No. 3 Budget Adjustments to 2021 Year End 6/30/2021 Budget.** The Providence City Council will hold a public
83 hearing to provide an opportunity for anyone interested to comment on the 2021 budget adjustments for year end
84 06/30/2021.
85 ○ R Snow explained some of the budget items and necessary adjustments.
86
87 ➤ **Item No. 4 2022 Providence City Budgets:** The Providence City Council will hold a public hearing to provide an
88 opportunity for anyone interested to comment on the estimates of revenue and expenditures or any item thereof in the
89 final budget of any fund (General, Capital Project, Water, Sewer, Storm Water, Secondary Water and Fiber) before action
90 is taken.
91 ○ R Snow explained the proposed budget. R Snow explained that we will be lowering our property tax rate.
92

93 **Administrative Business and Plans:**

- 94
95 ➤ **Item No. 5 Resolution 032-2021 – Budget Adjustment Fiscal Year End 06/30/2021. (EXHIBIT):** The Providence City
96 Council will consider for approval a resolution approving the final budget adjustments for all funds (General, Capital
97 Project, Water, Sewer, Storm Water, and Secondary Water) for fiscal year end 06/30/2021.

98 **Motion to approve resolution 032-2021 – Budget Adjustment Fiscal Year End 06/30/2021: — J Paulsen, second — J Sealy**
99 **Vote:**
100 **Yea: K Eck, C Kirk, J Paulsen, J Sealy**
101 **Nay:**
102 **Abstained:**
103 **Excused: B Speth**
104

105 ➤ **Item No. 6 Resolution 031-2021 – Budget Fiscal Year End 06/30/2022 (EXHIBIT):** The Providence City Council will
106 consider for approval a resolution approving the final budgets for all funds (General, Capital Project, Water, Sewer, Storm
107 Water, Secondary Water and Fiber) for fiscal year end 06/30/2022.
108 ○ J Paulsen felt that our city manager has done a great job and deserves a raise beyond the 3% that he put in the
109 budget.

110 **Motion to amend resolution 031-2021 and approve it with a 5% raise for our city manager [instead of the 3% proposed]: — J**
111 **Paulsen, second — K Eck**
112 ○ The elected officials adjustment was discussed.

113 **Vote:**
114 **Yea: K Eck, C Kirk, J Paulsen, J Sealy**
115 **Nay:**
116 **Abstained:**
117 **Excused:**
118

119 ➤ **Item No. 7 Ordinance 009-2021 – Amendment to City Code 10-15-6E Public Property Signs (ORDINANCE) /**
120 **(EXHIBIT):** The Providence City Council will consider for approval an ordinance amending City Code 10-15-6E to allow for
121 modification of the language and for the placement of the American Flag on public property park strips.
122 ○ Mayor Drew explained the reason for this modification. Currently, only the city is allowed to place signage in
123 the park strip.
124 ○ J Sealy would like the wording to read “the official American Flag” to differentiate between the variations that
125 are out there.

126 **Motion to approve ordinance no. 009-2021, the Amendment, adding the word “official” to “American Flag” on line 27: — J**
127 **Sealy, second — C Kirk**

128 **Vote:**
129 **Yea: K Eck, C Kirk, J Paulsen, J Sealy**
130 **Nay:**
131 **Abstained:**
132 **Excused: B Speth**
133

134 **Land Use Development:**

135
136 ➤ **Item No. 8 Ordinance 007-2021 Rezone of Parcel 02-115-0027 (ORDINANCE) / (EXHIBIT): / (PC LTR.):** Providence
137 City Council will consider and may take action on an ordinance authorizing the rezoning of property in the general area
138 of 1070 S 400 E Providence City Utah. Parcel 02-115-0027. Currently zoned as an AGR zone with the application and
139 proposal requesting it become a MFM zone.
140 ○ S Bankhead reviewed the request. S Bankhead also spoke with our city attorney about zoning based on an
141 agreement, which he discouraged strongly.
142 ○ Creating a zone for 55+ communities was discussed.
143 ○ Robert Cruz of Providence lives near this property. He is not against development and knew that this parcel
144 would be developed. However, there are things that he does not agree with in this proposal. He felt that the
145 General Plan emphasizes consistency. He read from the plan. People come into the community with
146 expectations. They hope that it will be developed similarly to the land around it or that it will be appropriate for

- 147 the location. He is concerned with what could be put on the property if the plans change. He felt that half acre
 148 or quarter acre lots would be more appropriate. Residents also use their home as an investment. Also, putting
 149 a senior community may not be good in that area because it is so far from emergency services. Storms can make
 150 the hill very treacherous.
- 151 ○ Tom Singleton of Providence said that what he said at the Planning Commission was enough and he is glad that
 152 the Council listened to it.
 - 153 ○ Ramona Rukavina of Providence said that the General Plan designates that area as a conservation area. It is a
 154 deer winter range. The plan speaks about preserving character, and this area used to be orchards. She feels that
 155 it is very inconsistent to put a multi-family unit up there. It will create traffic and affect her property. Scott
 156 Findley, an economist who spoke at the Planning Commission meeting, said that placing high density housing
 157 on the outskirts of rural communities causes property values to go down significantly. If you put them in the
 158 downtown area or near a commercial area it makes more sense. R Rukavina spoke about air quality and drought
 159 conditions.
 - 160 ○ Mayor Drew read a letter from Scott Findley. He is an economist at Utah State University and has expertise in
 161 spatial techniques to study the impact on property values of changes in zoning and land use ordinances. He is
 162 the editor of a scientific journal. He approves of the other development that A Bentley has done in the area.
 163 Higher density developments can be beneficial to small towns if they are located near the cores. With the
 164 proposed rezone, it is likely that severe damage to property values will occur because it is not congruent with
 165 surrounding uses. Damages could be between 17-26% in the surrounding area. He felt that this is a transfer of
 166 wealth from the current property owners to the developer. Many residents chose to build their lives here based
 167 on the existing zoning. He felt that any development other than single family would exacerbate a traffic problem
 168 in the area. He also has concerns about emergency services response time. He urges the Council to reject the
 169 rezone and urges the developer to apply for a single family zone like the surrounding zones.
 - 170 ○ Andy Bentley of the developer spoke about the proposed rezone. He has a lot in Providence Estates nearby that
 171 he will build on. He would not do this new development if he thought it would damage his home value. The
 172 reason that they went with Multi Family Medium is because that is the zone it fits in and because it allows for
 173 more open space. He understands why people are concerned about the broadness of the zone. He also lives
 174 near the multi family development that borders River Heights and doesn't feel like it has negatively affected his
 175 values. He is also willing to propose an 18-lot subdivision under the Single Family High zone. He felt that many
 176 cities that are on hills with snow do fine with emergency vehicles.
 - 177 ○ C Kirk said she would not be comfortable with more density than Single Family Traditional.

178 **Motion to reject ordinance 007-2021 Rezone of Parcel 02-115-0027 petition for rezone from Agricultural to Multi Family**
 179 **Medium: — J Paulsen, second — K Eck**

180 **Vote:**

181 **Yea: K Eck, C Kirk, J Paulsen, J Sealy**

182 **Nay:**

183 **Abstained:**

184 **Excused: B Speth**

185

- 186 ➤ **Item No. 9 Ordinance 010-2021 Rezone of Parcel 02-092-0020 (ORDINANCE) / (EXHIBIT) : / (PC LTR.):** Providence City
 187 Council will consider and may take action on an ordinance authorizing the rezoning of property in the general area of
 188 100 E 300 N Providence City Utah. Parcel 02-092-0020. Currently Zoned as an AGR zone with the application and proposal
 189 requesting it become a SFH.

- 190 ○ S Bankhead explained the background of this proposal.
- 191 ○ Del Raye Searle of Providence asked whether if the Council votes to approve, they will give their reasons why.
 192 Mayor Drew said that the Council is not required to say why they voted a certain way, but open dialogue is
 193 encouraged. Water issues were discussed.
- 194 ○ Jody Robins of the developer spoke about the project. After listening to public input, he is now planning to do a
 195 55+ community in that area. It would be a good match for what is around it and a good transition. They are

- 196 planning on doing a planned unit development. A 55+ community does not affect traffic or schools as much.
197 They do not plan on doing any basements. They have done a wetlands delineation. They will avoid the wetlands
198 entirely and leave them as open space. The Single Family High zone is the one that works for what they want to
199 do because it allows small lot sizes. Residents in 55+ communities usually want small lots.
- 200 ○ S Bankhead said that if the property stays Agricultural zone it could have one house on it. In the General Plan, it
201 suggests that this property could be targeted for park land.
 - 202 ○ Dianne Siegfried lives near the proposed rezone and has lived there for 40 years. She is skeptical about what
203 developers promise. If this is rezoned, we lose the potential for open space in that area.
 - 204 ○ J Paulsen asked if J Robins is the land owner. J Robins said he is under contract pending the rezone. C Kirk asked
205 about the number of units. J Robins said they are planning for between 31 and 34. C Kirk asked if it will be an
206 HOA. J Robins said yes. All of the grass and snow removal in the streets and driveways will be taken care of by
207 the HOA. Mayor Drew asked if it will be like the Mountain View development. J Robins said that they will be
208 doing detached houses.
 - 209 ○ K Eck disagreed with the comments from the Planning Commission that implied that Brookside is a transient
210 neighborhood. She lived there for 10 years and raised her family there. She knows people who still live there. It
211 was a good place to raise a family. She thinks this area fits well for 55 and older. She has a client who is on a
212 waiting list for 55 and older. The waiting lists are long. She feels that it is important to keep elderly people in
213 our community.

214 **Motion to approve ordinance 010-2021 the rezone of parcel 02-092-0020: — K Eck, second — C Kirk**

- 215 ○ Hal Hansen of Providence asked if the Council will disregard the issues that were brought up at the Planning
216 Commission.
- 217 ○ Kathleen Alder, Planning Commission Chair, read a letter from the Planning Commission to the City Council. The
218 Planning Commission heard from residents primarily about water concerns and also about density. Some were
219 concerned that there is already a large development in that area that attracts residents who are not long-term.
220 The parcel has also been planned as a PUB zone (public space) for years. After consideration of the comments
221 and of the staff report, the Commission voted 3-1 to reject the rezone request.
- 222 ○ Ramona Rukavina of Providence asked the developer who will own and maintain the jurisdictional wetland. J
223 Robins said that the HOA would own that land and it would be held as open space. The HOA would maintain it.
224 However, it would not count as usable open space for the Planned Unit Development (PUD) calculations or
225 requirements. The wetlands area is about 1 acre. The PUD ordinance requires 35% of the remaining 7.6 acres
226 to be open space
- 227 ○ J Paulsen said that primarily, he tries to vote in alignment with the General Plan. Secondly, he seriously considers
228 the position of the Planning Commission. Thirdly, he tries to get a pulse from the citizens. Because of these
229 things, he is not in favor of this proposal. However, he feels that we need to have a serious conversation about
230 multi-generational integration in our community.
- 231 ○ Neil Varner of Providence lives near the property in question. He asked J Robins how deep they dug down. S
232 Bankhead explained that the study J Robins is doing now is a wetlands delineation study. That is different than
233 a groundwater study. The groundwater study will look at the underground water table. N Varner said that if you
234 dig a few feet down anywhere on that property you will find water.

235 **Vote:**

236 **Yea: K Eck**

237 **Nay: J Paulsen, J Sealy**

238 **Abstained:**

239 **Excused: B Speth**

240 Voting was incomplete because C Kirk wanted more discussion and did not vote.

- 241 ○ K Eck asked if the Planning Commission thought that it would be a 55 and older community. R Snow said that
242 Rowan Cecil wanted to approve the rezone and was in favor of the 55 and older element that was discussed.
- 243 ○ J Robins said that another Planning Commission member said that he would be in favor of the rezone if they
244 could guarantee that it would be 55 and older. Due to the development process that Providence City uses, there

- 245 is no way to approve a plan at the rezone phase to guarantee that it will be 55 and older. This is the zone that
 246 55 and older works best in, however.
- 247 ○ Hal Hansen of Providence said that his concerns have not been resolved yet about the irrigation water and the
 248 marshiness of the property. J Paulsen noted that there is a property near his house where tail water is dumped,
 249 and the developers were able to manage it just fine through a retention area.
 - 250 ○ S Bankhead said that the developer will have to make provisions for whatever the water situation will be.
 251 However, this will happen after the zone is determined.
 - 252 ○ C Kirk felt that this zone may work better for the water situation than other zones because the houses can be
 253 closer together with more open space. Also, the requested zone is comparable to the surrounding zones. She
 254 trusts that the engineers will get the water right.
 - 255 ○ Hal Hansen said that there are times when a very large amount of water flows into that property. This year is
 256 different.
 - 257 ○ Dianne Siegfried of Providence said that in the case of the Mountain View Townhomes, it seems that nobody
 258 told the developer about the flood irrigation in the lots nearby. Basements were flooded. There are people who
 259 live to the north of the proposed rezone who attended the Planning Commission meeting that expressed
 260 concern about their basements flooding due to the development on this property. She is skeptical that things
 261 will be taken care of because of previous times when they weren't. She felt that the area is losing open space
 262 and mentioned that this property was planned for acquisition as open space.
 - 263 ○ C Kirk explained why it isn't always easy for the city to acquire land as open space. Scott Findley's ideas were
 264 brought up. C Kirk felt that they are not as applicable here as to the other property because the surrounding
 265 zoning is similar to what is being requested.
 - 266 ○ K Eck asked S Bankhead if this developer kept their commitments on the Providence Shire subdivision. S
 267 Bankhead said that they did. S Bankhead explained that when Mountain View went in, we were in a different
 268 time. We were not as sophisticated, and storm water laws were not as developed. The city has learned and
 269 made changes over time.
 - 270 ○ Mayor Drew explained that he has made an effort to hold developers accountable. We also have a city manager
 271 now who has construction experience.

272 **Vote:**

273 **Yea: K Eck, C Kirk, J Drew (Mayor's vote cast as a tiebreaker vote)**

274 **Nay: J Paulsen, J Sealy**

275 **Abstained:**

276 **Excused: B Speth**

- 277
- 278
- 279 ➤ **Item No. 10 Ordinance 008-2021 Vacate Right of Way on 300 E. (ORDINANCE) / (EXHIBIT):** Providence City Council will
 280 consider and may take action on an ordinance authorizing the Vacation of a Public Right of Way on 300 E in the general
 281 area of 152 S to 100 S.

282 **Motion to approve Ordinance 008-2021 the vacation of the right of way on 300 E: — K Eck, second — J Sealy**

283 **Vote:**

284 **Yea: K Eck, C Kirk, J Paulsen, J Sealy**

285 **Nay:**

286 **Abstained:**

287 **Excused: B Speth**

288

289 **Agreements, Contracts, Bid Awards:**

- 290
- 291 ➤ **Item No. 11 Resolution 019-2021: Cache County Law Enforcement Services Interlocal Agreement (EXHIBIT)**
 292 Providence City Council will consider and may take action on a resolution accepting the interlocal agreement with Cache
 293 County to provide Law Enforcement Services for Providence City.

294 **Motion to approve Resolution 019-2021: — C Kirk, second — J Paulsen**

295 **Vote:**

296 **Yea: K Eck, C Kirk, J Paulsen, J Sealy**

297 **Nay:**

298 **Abstained:**

299 **Excused: B Speth**

300

301 ➤ **Item No. 12 Resolution 020-2021: Animal Control Services Interlocal Agreement (EXHIBIT):** Providence City
302 Council will consider and may take action on a resolution accepting the interlocal agreement with Cache County to
303 provide Animal Control Services for Providence City.

304 **Motion to approve resolution 020-2021: Animal Control Services Interlocal Agreement: — K Eck, second — J Sealy**

305 **Vote:**

306 **Yea: K Eck, C Kirk, J Paulsen, J Sealy**

307 **Nay:**

308 **Abstained:**

309 **Excused: B Speth**

310

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

313

314 Jeanell Sealy

- 315 • The library is getting deep cleaned this weekend.
- 316 • Drought is causing issues for Blacksmith Fork Irrigation company. It could affect the City's exchange agreement.

317

318 Carrie Kirk

- 319 • The Youth Council updated its web page. We made an online application. Applications are open until the end of August.
320 We will be at the Nibley Heritage Days parade on Saturday. We are looking for adults to help with activities.
- 321 • We need to find a food vendor for our September concert in the park. Scheduling future concerts was discussed.

322

323 Mayor Drew

- 324 • Mayor Drew reported on conversations regarding our justice court. Some new state requirements are affecting it. Some
325 have wanted our court cases to go to the county or to district court. But this would mean having district court make
326 rulings based on our city code. Many local mayors feel that we should keep the justice court system.

327

328 **Motion to go into executive session: — K Eck, second — J Sealy**

329 **Vote:**

330 **Yea: K Eck, C Kirk, J Paulsen, J Sealy**

331 **Nay:**

332 **Abstained:**

333 **Excused: B Speth**

334 Executive session entered at approximately 9:40 PM

335

336 **Executive Session Notice:**

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

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

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

343
344 **Motion to close the executive session: — C Kirk, second — J Sealy**
345 **Vote:**
346 **Yea: K Eck, C Kirk, J Paulsen, J Sealy**
347 **Nay:**
348 **Abstained:**
349 **Excused: B Speth**
350 Executive session closed at approximately 10:00 PM
351
352 **Motion to close the meeting: — C Kirk, second — J Paulsen**
353 **Vote:**
354 **Yea: K Eck, C Kirk, J Paulsen, J Sealy**
355 **Nay:**
356 **Abstained:**
357 **Excused: B Speth**
358 Meeting adjourned at approximately 10:00 PM
359 Minutes prepared by Jesse Bardsley
360 Minutes approved by vote of the Council on July 21, 2021
361
362
363 _____
364 John Drew, Mayor
365
366 _____
Tyler Cameron, City Recorder