

1 **PROVIDENCE CITY COUNCIL MEETING MINUTES**

2 Wednesday March 16th, 2022, 6:00 PM

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

4
5 To view the video recording account of City Council meeting please view our YouTube video of the meeting that
6 can be found on Providence’s YouTube Channel: [City Council 3/16/2022 - YouTube](#) (Ctrl Click to follow link.)

7
8 **HR. MIN. SEC.** in **GREEN** above items are time stamps for the YouTube Video of the City Council meeting.

9
10 **Opening Ceremony:**

11 Call to Order: Mayor Alder called meeting to order.

12 Roll Call of City Council Members: Mayor Alder took attendance of members present.

13 Council in Attendance: Mayor Alder, Council Member Paulsen, Council Member Sealy, Council Member Kirk, Council
14 Member Nebeker and Council Member Speth.

15 City Staff in Attendance: City Manager Ryan Snow. Administrative Services and Land Use Director Skarlet Bankhead.
16 Public Works Director Rob Stapley and City Recorder Ty Cameron

17 Pledge of Allegiance: Council Member Sealy lead the audience in the pledge of allegiance.

18 Opening Remarks – Prayer: Council Member Nebeker offered a prayer.

19
20 **(3 MIN. 10 SEC.)**

- 21 ➤ **Councils Recognition of Mark & Gina Thompson’s Gift:** The Providence City Council will review and
22 acknowledge a proclamation recognizing Mark and Gina Thompson’s gift to Providence City, which consisted of
23 a parcel of land located in the general area of 300 W 100 S. **(PROCLAMATION)**

- 24
25 • Mayor Alder asked Mark & Gina Thompson to the stand and read on the record a proclamation thanking
26 them for their gift to Providence City regarding a parcel of land in the area of 300 W 100 S which will be
27 used for park space.
28 • Mr. Thompson commented to the Council on what it was like growing up in Providence and the people in
29 the area who have influenced his life.

30
31 **Approval of the minutes:**

32
33 **(10 MIN. 30 SEC.)**

- 34 ➤ **Approval of the Minutes:** The Providence City Council will consider for approval the minutes of February 16th,
35 2022 . **(MINUTES)**

- 36
37 • Mayor Alder called for the approval of the minutes.
38 • Council Member Speth commented on line 186 of the minutes and suggested that the line be reworded to
39 better reflect what was discussed. Staff agreed to reword the sentence and send it to council for approval
40 before having the final minutes signed.

41
42 **Motion to approve the minutes of February 16th, 2022, with the condition that the word ‘it’ in line 186 be better
43 defined – Council Member Sealy. 2nd- Council Member Kirk**

44 **Vote:**

45 **Yea- Council Member Paulsen, Council Member Kirk, Council Member Sealy, Council Member Speth & Council
46 Member Nebeker.**

47 **Nay-**

48 **Abstained-**
49 **Excused-**

50
51 **Motion Passes.**

52
53 **Public Comments:** Citizens may express their views to the City Council on issues within the City’s jurisdiction. The City
54 Council accepts comments: by email providencecityutah@gmail.com, and by text 435-752-9441.
55

- Mayor Alder opened the floor for public comment. Indicated to the audience that if they had a comment regarding an agenda item that they could make their comment when the item was called.
- Mitchell Shook, from Advanced Stream, commented to Council regarding the fiber project and the progress which has been made. Mr. Shook discussed with Council the benefits this project will bring to the community and commended them for all their efforts.
- No further comments were made. Mayor Alder closed the public comment portion of the meeting.

62
63 **Public Hearings:** No Public Hearings

64
65 **Resolutions:**

66
67 **(22 MIN. 30 SEC.)**

68 ➤ **Item No. 1 Resolution 002-2022 - Amending Providence City’s Fee Schedule:** The Providence City
69 Council will review, discuss, and may take action on approving a resolution to amend the city’s fee schedule.

70 **(RESOLUTION)**

- Mayor Alder called item number 1, gave a brief introduction and asked Ryan Snow to give an overview of the proposed amended fee schedule.
- Ryan Snow reviewed with council the proposed fee schedule and indicated that there were two cemetery items or fees that were not a part of the fee schedule that was attached to the agenda. Parties discussed the two cemetery fees which include a fee for failure to complete a burial by four pm and a fee for the placing of an unapproved headstone.
- Ryan Snow continued with his overview of the proposed amended fee schedule reviewing line by line with the Council of what the new fee should be and why.
- Parties discussed peddler fees and what that entails, and whether Airbnb’s were considered a commercial or home business. Ryan Snow indicated that Airbnb’s are considered home business so the home business fee would apply.
- Parties discussed the encroachment/right of way permit fee and the overall process and what the fee permitted. Parties discussed the site plan fees and what the remodel fee meant. Staff reviewed with Council what’s considered a site plan and what plans would fall under that fee. Parties discussed redefining the word remodel as Council indicated it could be interpreted in many different ways.
- Parties discussed the significant increased fees to the conditional use fee and the code amendment fee and wondered if it was too high. Staff explained that a lot of work goes into those two application processes and indicated that they felt the increase was warranted.
- Parties discussed the cemetery plot fee and the limit on how many plots could be bought. Dave Beckett, city resident, commented on the fee schedule and expressed his concern for the higher fees; particularly the P&Z Fees where he has had experience paying high fees and not getting results. Parties discussed the

93 general rise in fees and how long it’s been since the city has amended the fees. Staff indicated that they
94 have amended the fees to be more inline with the fees of other cities in the surrounding area and that it had
95 been quite awhile since the city amended their fees.

- 96 • Parties discussed the park rental fees and possible restrictions on excessive renting as the city had an
97 incident were an organization booked all weekends in summer and then requested refunds once they knew
98 what weekends they really wanted.
- 99 • Parties discussed the impound fee and if it was necessary.
- 100 • Parties discussed the winter metering process, overall water rate and sewer rate increase. Parties reviewed
101 the storm water projects and getting them prioritized. Parties reviewed the overall funds for water, sewer,
102 and storm water.
- 103 • Parties discussed the city’s water use rate and water conservation. Council indicated that the increase is
104 good but that more could be done on educating the citizens about their water use. Council recommend that
105 money earned from the increase should be earmarked for future water conservation efforts if residents don’t
106 strive to use less water based on the increased fee. Dave Beckett, city resident, comments on water usage.
107 Parties discussed ideas on how to educate the public about their water consumption.
- 108 • Council Member Nebeker commented and questioned the fee schedule and how it relates to the cities
109 different funds. Ryan Snow reviewed with Council the city funds and how it is divided up by the different
110 funds and their expenses and revenues.
- 111 • Parties discussed the overall proposed fee schedule and what could or should be changed.

112
 113 **Motion to approve Resolution 002-2022 with the following changes: Language regarding the remodel fee shall be**
 114 **clarified and include verbiage regarding the envelope of the house or structure. Reduce the fees for code amendment**
 115 **and conditional use from the proposed \$1000 to \$500 for code amendment and \$250 to \$200 for conditional use.**
 116 **Strike the impound fee. Money collected on the new water meter fee will be earmarked for water conservation efforts.**
 117 **Storm water increases shall be reported annually for capital improvements and that annotations of increases be**
 118 **included to show what has taken place over time. Fee schedule to include the two additional cemetery fees as was**
 119 **presented during the meeting: Failure to complete a burial by 4 pm and fine for placing an unapproved headstone.**
 120 **– Council Member Paulsen. 2nd- Council Member Kirk**

121 **Vote:**
 122 **Yea- Council Member Paulsen, Council Member Kirk, Council Member Sealy, Council Member Speth**
 123 **Nay- Council Member Nebeker.**
 124 **Abstained-**
 125 **Excused-**

126
127 **Motion Passes**

128
129 **(3 HR. 32 MIN. 45 SEC.)**

130 ➤ **Item No. 2 Resolution 003-2022 - Animal Control Interlocal Agreement:** The Providence City
 131 Council will review, discuss, and may take action on an interlocal agreement between Cache County and Providence
 132 City for Animal Control Services. **(RESOLUTION)**

- 133
- 134 • Mayor Alder called item number 2, gave a brief introduction and asked Ryan Snow, city manager, to give
135 an overview of the agreement.
- 136 • Ryan Snow, discussed with Council that the agreement with Animal Control has been an ongoing
137 agreement and that this agreement is no different than last year’s agreement with them. Indicated to council

that the city has never had any issues or problems with Animal Control and that they have done a good job for the city. There has been no increase in the price.

Motion to approve Resolution 003-2022 Animal Control Interlocal Agreement– Council Member Kirk. 2nd- Council Member Sealy

Vote:

Yea- Council Member Paulsen, Council Member Kirk, Council Member Sealy, Council Member Speth.

Nay- Council Member Nebeker.

Abstained-

Excused-

Motion Passes.

(3 HR. 34 MIN. 00 SEC.)

➤ **Item No. 3 Resolution 004-2022 - Investment Policy Statement:** The Providence City Council will review, discuss, and may take action on adopting an investment policy statement for the purpose of maintaining cash reserves to accommodate present and future operating and capital cash needs. **(RESOLUTION)**

- Mayor Alder called item number 3, gave a brief introduction and asked Ryan Snow to give an overview of the policy.
- Ryan Snow reviewed with council the purpose of the policy and what it would achieve for the city. Indicated to Council that a resident submitted a request that section 3.2 of the policy, which deals with investment restrictions on the part of the City Manager and City Treasurer, be clarified or that wording be added.
- Parties discussed the process of investments, unrestricted funds, and treasury notes.
- Council asked how they can resolve the perception that people have of the city holding on to too much money. Parties discussed what that means and solutions.
- Parties discussed enterprise funds and reviewed examples of how the investment side of these funds work and how we get a return. Parties discussed restrictions and guidelines that must be followed. Parties reviewed whether a fund could borrow from another fund if needed.

Motion to approve Resolution 004-2022 Investment Policy Statement– Council Member Speth. 2nd- Council Member Paulsen

Vote:

Yea- Council Member Paulsen, Council Member Kirk, Council Member Sealy, Council Member Speth & Council Member Nebeker.

Nay-

Abstained-

Excused-

Motion Passes.

Land Use:

(3 HR. 12 MIN. 25 SEC.)

➤ **Item No. 4 Administrative Appeal Hearing Officer Update:** The Providence City Council will review and discuss the process of filling the City’s Appeal Hearing Officer position. The City listed an RFP but there were

no interested parties. Council will also discuss possible solutions to cover any hearings that may arise while the city seeks out candidates for the position.

- Mayor Alder called item number 4, gave a brief introduction, and indicated to Council that she and the city manager have met with Seth Tait of Olson and Hogan LLC and that the firm Olson and Hogan LLC have agreed to be Providence City’s Administrative Appeal Hearing Officer.
- Parties discussed the firms background and the process for potential conflicts.

Motion to appoint Olson and Hogan LLC as the new city’s new Administrative Appeal Hearing Officer– Council Member Speth. 2nd- Council Member Sealy

Vote:

Yea- Council Member Paulsen, Council Member Kirk, Council Member Sealy, Council Member Speth & Council Member Nebeker.

Nay-

Abstained-

Excused-

Motion Passes.

(3 HR. 16 MIN. 30 SEC.)

➤ **Item No. 5 Ordinance 02-2022 - Amending PCC 10-13-9 Building Setbacks:** The Providence City Council will review, discuss, and may take action on an ordinance amending PCC 10-13-9 Building Setbacks. A Providence City resident applied to amend PCC 10-13 regarding setback requirements. Planning Commission recommended that residents application be denied and motioned to Council to instead amend PCC 10-13-9 as set forth in proposed Ordinance 02-2022. [\(ORDINANCE\)](#) [\(APPLICATION & CODE REVIEW\)](#)

- Mayor Alder called item 5, gave a brief introduction and asked Skarlet Bankhead, Administrative Services and Land Use Director, to give an overview of the application.
- Skarlet Bankhead discussed with council the petitioners application and what he is trying to achieve. Informed Council that this was before the Planning Commission on March 9th where they recommended to Council, via motion, to deny the application but amended 10-13-9 per their recommendation. Skarlet Bankhead reviewed with council the difference between the two ordinances, the current and proposed, and what this would help achieve if passed.
- Dave Beckett, applicant, discussed with Council why he requested that the code be changed and his current situation regarding a garage he wants to convert to an ADU.
- Parties discussed the current setbacks that are currently established in the city code and the conditional use process.
- Parties discussed the proposed ordinance.

Motion to approve Ordinance 02-2022 Amending PCC 10-13-9 building setbacks - Council Member Paulsen. 2nd- Council Member Nebeker

Vote:

Yea- Council Member Paulsen, Council Member Kirk, Council Member Sealy, Council Member Speth & Council Member Nebeker.

Nay-

Abstained-

Excused-

Motion Passes.

➤ **Item No. 6 Ordinance 03-2022 – Partial Rezoning of Parcels 02-144-0045 & 02-144-0042:** The Providence City Council will review, discuss, and may take action on ordinance authorizing the partial rezoning of parcels 02-144-0042 & 02-144-0045 located in the general area of 177 W. 150 N. Providence Utah. Approval of ordinance will rezone part of the parcels from a single family residential (SFR) to a multi-family medium zone (MFM). This Item was before Planning Commission on March 9th 2022 where they recommended that Council deny the application and request. [\(ORDINANCE\)](#) [\(APPLICATION\)](#) [\(ANALYSIS\)](#)

- Mayor Alder called item number 6 and indicated on the record that the applicants have withdrawn their application. No further action will be taken or is needed.

(2 HR. 6 MIN. 50 SEC.)

➤ **Item No. 7 Memorandum of Understanding for Parcel 03-076-0016:** The Providence City Council will review, discuss, and may take action on a MOU between Brett & Idena Ward and Providence City regarding parcel 03-076-0016 located at 879 Grandview Dr. [\(MOU\)](#)

- Mayor Alder called item 7, gave a brief introduction and asked Ryan Snow to give an overview of the Memorandum of Understanding.
- Ryan Snow reviewed with council the MOU and the current situation regarding the need and purpose for it. The residents whom the MOU applies to are in violation of the city code regarding retaining walls and this MOU would allow them to move into their home and give them time to correct the violation.
- Skarlet Bankhead discussed with Council the history and purpose of the ordinances or city code regarding setbacks and retaining walls.
- Parties discussed retaining wall responsibilities as it relates to safety issues and aesthetics.
- Parties discussed the bond and possible solutions the residents could take to correct the issue. Parties discussed code changes, variances and the time frames set forth in the MOU. Parties discussed whether a code amendment should be an allowed solution. Parties discussed the code amendment process.
- Samantha Samson, resident, and neighbor, commented on the issue discussing with Council the safety concerns and the parties willingness to have this resolved. Ms. Samson commented to Council that if the MOU was granted that they be sure to have it enforced. Steve Samson, resident, and neighbor, commented on the retaining wall and the issue that has arisen due to its unapproved construction.
- Idena Ward, resident, and homeowner of the retaining wall, commented on the wall and their current violation of the code because of it. Indicated to Council that they are willing to do whatever they can to resolve the issue and that this MOU will give them time to do that as well as afford them the opportunity to move into their home.
- Parties discussed the builders involvement, code amendment process, time frame as set forth in the MOU and possible extensions. Parties discussed the MOU conditions.

Motion to approve the Memorandum of Understanding– Council Member Kirk. 2nd- Council Member Paulsen

Vote:

Yea- Council Member Paulsen, Council Member Kirk, Council Member Sealy, Council Member Speth & Council Member Nebeker.

274 **Nay-**
 275 **Abstained-**
 276 **Excused-**

277
 278 **Agreements, Contracts, Bid Awards:**

279
 280 **(3 HR. 53 MIN. 25 SEC.)**

- 281 ➤ **Item No. 8 100 S Road Construction Bid:** The Providence City Council will review, discuss, and
 282 may take action on accepting a bid for the 100 South Roadway and Drainage Improvement Construction Project.

283 **(EXHIBIT)**

- 284
 285 • Mayor Alder called item 8, gave a brief introduction and asked Ryan Snow to give an overview of the bids.
 286 • Ryan Snow discussed with council the current 100 S road construction project plans and informed Council
 287 that we received two bids, and that staff recommends that Council approve the lowest bid.
 288 • Parties discussed the over all cost.
 289 • Staff informed Council that cost included a parking lot.

290
 291 **Motion to accept LeGrand Johnsons 100 S road construction bid– Council Member Kirk. 2nd- Council Member**
 292 **Speth**

293 **Vote:**

294 **Yea- Council Member Paulsen, Council Member Kirk, Council Member Sealy, Council Member Speth & Council**
 295 **Member Nebeker.**

296 **Nay-**
 297 **Abstained-**
 298 **Excused-**

299
 300 **Plans and other Business:** No other plans of business.

301
 302
 303 **(3 HR. 56 MIN. 05 SEC.)**

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

- 306
 307 • Mayor Alder called for staff reports.
 308 • Rob Stapley, Public Works Director, reported to Council the cities current projects and plans for the spring.
 309 Parties discussed leaf and gutter clean outs.
 310 • Skarlet Bankhead, Administrative Services and Land Use Director, reported to Council that the Vineyard
 311 annexation was heard today before the Cache County Boundary Commission with the Commission
 312 motioning to approve that the annexation move forward. Ms. Bankhead thanked Council for allowing staff
 313 the availability, if need be, to work from home.
 314 • Ty Cameron, City Recorder, had nothing to report other the Vineyard zoning hearing would be in April
 315 before the Planning Commission and then the annexation hearing would follow sometime in May or June.
 316 • Ryan Snow, City Manager, gave an update on the City's water master plan and the fiber project. Parties
 317 discussed fiber project risks for ISPs and possible monopolies. Parties discussed ISP marketing and what it
 318 may look like. Mr. Snow informed Council that Logan City would be ending their contract for garbage pick
 319 up in two years and discussed with Council possible options. Mayor Alder indicated that she would be

meeting with other Mayors in the area who would also be affected by Logan City ending their garbage pickup contract with them.

(4 HR. 20 MIN. 00 SEC.)

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

- Mayor Alder called for Council reports.
- Council Member Nebeker reported on the Planning Commission meeting he attended and discussed with Council the upcoming vineyard zoning and annexation hearings. Parties discussed setting up focus groups to gage the public about the annexation.
- Council Member Paulsen indicated to Council that there was a zoom meeting tomorrow regarding flashing signs for bikes and cars on dangerous roadways that they city might want to look into. Council Member Paulsen discussed with Council the upcoming canyon clean up set for spring and that he was working on dates with the forest service.
- Council Member Kirk reported on the band applications they have received for upcoming city events and concerts in the park.
- Council Member Speth reported on the status of the emergency preparedness project, and the spring creek irrigation and water conservation board update. Indicated to council there was CERT training in April if anyone was interested.
- Council Member Sealy reported to council on the Blacksmith Fork water assessments and the many water bills that were recently passed in legislation. Parties discussed possible grants or funds for xeriscaping and how residents could go about applying.
- Mayor Alder reported to Council her meetings with other mayors about issues in the area, chamber luncheons and the newsletter deadline. Parties discussed newsletter submissions.

Motion to adjourn meeting. – Council member Kirk 2nd- Council member Speth

Vote:

Yea- Council Member Paulsen, Council Member Kirk, Council Member Sealy, Council Member Speth & Council Member Nebeker.

Nay-

Abstained-

Excused-

Motion Passes. Meeting Adjourned.

Minutes prepared by Ty Cameron, City Recorder.

Minutes approved by the City Council on the _____ of _____ 2022.

Kathleen Alder, Mayor

Ty Cameron, City Recorder