

1 **PROVIDENCE CITY COUNCIL MEETING MINUTES**

2 Wednesday April 20th, 2022, 6:00 PM

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

4 Most members of the Council appeared virtually due to a conference held in St. George.

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6 To view the video recording account of City Council meeting please view our YouTube video of the meeting
7 that can be found on Providence's YouTube Channel: Part 1 [Providence City Council 4/20/22 - YouTube](#)
8 Part 2: [Providence City Council 4/20/22 - YouTube](#)

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

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12 **Opening Ceremony:**

13 **Call to Order:** Mayor Alder called meeting to order and indicated that some members were present via zoom with
14 the rest of Council appearing in person in St. George due to an annual conference for City Council Members.

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

16 **Council in Attendance:** Mayor Alder, Council Member Paulsen (attended virtually), Council Member Sealy,
17 Council Member Kirk, Council Member Nebeker (attended virtually) and Council Member Speth (attended
18 virtually)

19 **City Staff in Attendance:** City Manager Ryan Snow. Community Development Director Skarlet Bankhead
20 (attended virtually), Public Works Director Rob Stapley (attended virtually) and City Recorder Ty Cameron

21 **Pledge of Allegiance:** Council Member Kirk

22 **Opening Remarks:** Council Member Paulsen

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24 **Approval of the minutes:**

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26 **(6 MIN. 20 SEC.)**

27 ➤ **Item No. 1 Approval of the Minutes:** The Providence City Council will consider for approval the minutes
28 of March 16th, 2022 . **(MINUTES)**

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30 • Mayor called for the approval of the City Council meeting minutes of March 16th, 2022.
31 • Council Member Paulsen indicated that on line 116 there needed to be included in the motion a
32 statement that the money ear marked for water conservation would be reviewed annually. Staff
33 indicated that they would make that change before getting the minutes officially signed.

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35 **Moton to approve the City Council meeting minutes of March 16th, 2022 – Council Member Sealy. 2nd –**
36 **Council member Kirk.**

37 **Vote:**

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

40 **Ney-**

41 **Abstained-**

42 **Excused-**

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44 **Motion Passes.**

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

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- Mayor Alder opened the floor for public comment.
 - Skarlet Bankhead, Community Development Director, indicated that no comments had come in via text or email.
 - Mayor Alder closed the public comment portion of the meeting.

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54 **Agreements, Contracts, Bid Awards:**

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56 **(9 MIN. 5 SEC.)**

- 57 ➤ **Item No. 2 Lateral Shareholders Water Exchange Agreement:** The Providence City Council will
- 58 review, discuss and may take action on a water exchange agreement with lateral shareholders.

59 **(AGREEMENT)** (WATER CALCULATIONS – **EXCEL** or **PDF**)

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- Mayor Alder called item number 2 and indicated to all present that this agenda item would be continued to next city council meeting as the parties involved wanted more time to review the agreement.
 - Council Member Sealy asked for clarification on what this agreement is, and what it would do for the city.
 - Ryan Snow, City Manager, responded to council about what this agreement entails; and that in general it will provide an increase in the city’s culinary water.
 - Council Member Speth commented to council that the parties involved would like to explore all the possible ramifications before moving forward. It was clarified that this agreement deals with the Spring Creek Water Company and not Blacksmith Fork.

72 **(55 MIN. 50 SEC.)**

- 73 ➤ **Item No. 3 Fox Hollow Improvement Agreement Townhomes Phase 1(REVISED):** The Providence
- 74 City Council will review, discuss, and may take action on a development and public improvement installation
- 75 agreement for Fox Hollow Townhomes Phase 1. **(AGREEMENT)**
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- Mayor Alder called item number 3, gave a brief introduction and asked Ryan Snow to give an overview of the agreement. Mayor Alder indicated that Michael Green, who is filling in for Chad Wooley, the city’s legal counsel, was present.
 - Ryan Snow reviewed with council the revised agreement that Fox Hollow wanted council to consider. Indicated to council that the agreement in general would allow building permits before minimum improvements which Mr. Green commented on would be a deviation from the city’s code.
 - Council and parties present agreed to put item on hold as a few members for Fox Hollow are yet to be present. Council will recall item when they are ready to go.
 - Mayor Alder recalled item and Ryan Snow continued with his overview of the agreement.
 - Mr. Green discussed with council the revised agreement and the attempts that have been made by both sides to work out the agreement and their differences of opinion. Parties discussed the conditions and discussions that have been had between the parties attorneys. Mr. Green indicated that he and the counsel for Fox Hollow viewed the code and the Land Use, Development and Management Act (LUDMA) differently. Fox Hollow believes the city is in violation of LUDMA and needs to review and amend their city code to be in compliance. They believe what they are asking for in the revised agreement is within their rights.

- 94 • Council discussed the risks they will be taking on if they sign off on the revised agreement and
95 what other options they may have.
- 96 • Parties discussed the warranty bond and the bond amount that needs to be changed. Parties
97 discussed the improvement bond.
- 98 • Council Member Speth commented on the potential risks the city could take on if they deviate
99 from the standards including fire emergencies, sewer and water connections, power lines etc.
100 Council Member Speth recommended that they don't approve the revised agreement.
- 101 • Parties discussed their interpretation of the city code and the LUDMA guidelines. Parties
102 discussed the life safety issues that Council Member Speth brought up.
- 103 • Council wanted clarification on what their roll is in this, and what the defining issues are.
104 Parties discussed building inspection and occupancy process and procedures. Parties discussed
105 the water and sewer line construction process and roadways for construction.
- 106 • Parties discussed code compliance and bond requirements. Council discussed the risks of
107 approving and not approving this revised agreement. Mr. Green discussed with council what
108 could happen based on the options they have.
- 109 • Parties clarify the issues and what exactly the applicants are requesting.
- 110 • Parties discussed amending the revised agreement to just be for the first house or building; and
111 commented on putting water and sewer clauses. Parties discussed building permits and if all
112 parties would agree to amend the revised agreement.
- 113 • Council Member Speth commented on incombustible construction. Parties discussed fire
114 standards, road access and the developers current construction and plans.
- 115 • Applicants commented on the current supply chain issues that a lot of construction companies
116 are having, them included.
- 117 • Parties discussed the occupancy wording and if that could be changed. Council discussed going
118 into executive session.

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120 **Motion to go into an executive session - Council Member Paulsen. 2nd – Council Member Kirk.**

121 **Vote:**

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

124 **Ney-**

125 **Abstained-**

126 **Excused-**

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128 **Motion passes.**

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131 **Executive Session Notice:** The Providence City Council may enter into a closed session to discuss pending or
132 reasonably imminent litigation as allowed by Utah Code 52-4-205(1)(c). Page 3 of 3 The Providence City Council
133 may enter into a closed session to discuss professional competence or other factors allowed by Utah Code 52-4-
134 205(1)(a). The Providence City Council may enter into a closed session to discuss land acquisition or the sale of
135 real property Utah Code 52-4-205(1) (d) and €.

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137 **Motion to exit executive session – Council Member Paulsen. 2nd Council Member Sealy.**

138 **Vote:**

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

141 **Ney-**

142 **Abstained-**

143 **Excused-**

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145 **Motion passes, City Council meeting resumes.**

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- 147 • Mayor Alder called for additional discussion and comments regarding item 3.
- 148 • Applicants asked about revising the language. Council indicated they had a motion to put forth.
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150 **Motion to mediate this revised agreement with the ombudsman – Council Member Sealy. 2nd –**
151 **Council Member Kirk.**

152 **Vote:**

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

155 **Ney-**

156 **Abstained-**

157 **Excused-**

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159 **Motion passes.**

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162 **Plans and other Business:**

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164 **(18 MIN. 5 SEC.)**

- 165 ➤ **Item No. 4 City Recognition of Juneteenth as a paid City Holiday:** The Providence City Council
166 will review, discuss, and may take action on recognizing Juneteenth (June 19th) as a paid city holiday.

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- 168 • Mayor Alder called item 4 and gave a brief introduction.
- 169 • Ryan Snow discussed with council the holiday of June 19th, also known as Juneteenth, and its
170 current Federal and State status. Governor Cox signed off on June 19th being recognized as a
171 State Holiday. Parties discussed the history and significance of June 19th.
- 172 • Ryan Snow indicated to council that the city currently recognizes 12 paid holidays.
- 173 • Council Member Sealy commented on floating holidays. Council discussed their options on
174 recognizing Juneteenth as a holiday and possibly rearranging the city recognized holidays.
- 175 • Council discussed staff PTO and roll over hours. Council Member Kirk commented on staff
176 productivity and having good rapport for the staff.
- 177 • Ryan Snow commented on being indifferent to whether the holiday gets approved or not but
178 did indicate that he preferred planned holidays off versus floating holidays. Council asked
179 Rob Stapley, Public Works Director, how giving his department and extra day off would affect
180 productivity and what the on-call schedule is like. Rob Stapley responded that when ever there
181 is a day off for all staff that there is a bit of a catch up; but that staff are always appreciative of
182 extra time with their families.
- 183 • Council Member Kirk motioned to recognize Juneteenth as a paid holiday for staff. No second,
184 motion dies.
- 185 • Parties discuss the option of recognizing it as a holiday but not a paid holiday.

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- Mayor Alder commented on the job market and the need to keep staff happy and wanting to work here.
 - Parties discussed the other paid holidays that that the city recognizes and indigenous peoples day, and why the city recognizes that holiday after Thanksgiving. Skarlet Bankhead commented that the city decided to recognize Columbus Day, as it was called back then on the Friday after Thanksgiving because most kids didn't have Columbus Day off, so moving it to the Friday after Thanksgiving allowed staff time with their family and kids.
 - Parties discussed how to proceed, floating holidays, and overall costs to the city with regards to paid holidays.
 - Council decided to continue this item to the next council meeting where they asked that the item be broader and that they discuss all the current city holidays that are recognized.

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198 **Motion to continue item till next council meeting – Council Member Nebeker. 2nd Council Member**

199 **Sealy.**

200 **Vote:**

201 **Yea- Council Member Paulsen, Council Member Kirk, Council Member Sealy, Council Member**

202 **Speth & Council Member Nebeker.**

203 **Ney-**

204 **Abstained-**

205 **Excused-**

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207 **Motion passes.**

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209 **(3 MIN. 35 SEC -Part 2 Video)**

210 **Staff Reports:** Items presented by Providence City Staff (including but not limited to: Public Works Director,

211 Administrative Services Director, City Recorder, and City Manager) will be presented as

212 information only.

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- Skarlet Bankhead, Community Development Director, reported to Council the current housing situation in the State and in Cache Valley. Indicated that there were some future meetings coming up regarding the housing situation that she'll be attending that will hopefully help everyone understand how best to move forward and what the city can do. Indicated to Council that the city has hired a new storm water and code compliance staff member and that they are doing really well. Discussed with Council the city's recreation programs and that currently baseball registration is open and will be open for another week.
 - Ty Cameron, City Recorder, reported on the vineyard annexation and indicated to Council that they all should have received the written decision of the Cache County Boundary Commission regarding the objections that were filed. Indicated to Council that the Justice Court will be going back to in person court starting on May 16th.
 - Rob Stapley, Public Works Director, reported on the public works department and their current projects. Indicated to Council that the tank is currently being filled as we speak, and that the cemetery expansion is under way. Discussed with Council that Twin D, the city's sewer contractors, will be starting to clean and inspect the city's sewer. Commented that the city's water master plan is being worked on and that the fiber crews are back out in the city laying lines for fiber. Council Member Sealy asked about issues on 300 S where it looked like there was a leak. Rob indicated that it was most likely wet sealant from the fiber construction.

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- Ryan Snow, City Manager, discussed with Council the 300 S leak that was brought up and that it is not an issue. Indicated that 100 S road project is getting under way, and we should see work start as early as June 1st. Indicated that the city has a meeting with Legrand Johnson to discuss some road finishes and that the finishes should be included in this budget year. Reviewed with Council the current ongoing projects and where they fit into the budget. Ryan discussed with Council the ongoing fiber construction and current connections. Discussed with Council the garbage pickup issue that was referenced in the last meeting where Logan City would be opting out of collecting the city's garbage in 2023. Parties discussed the cities options and creating an RFP and how to move forward. Ryan indicated that he is currently working on the budget and that if any of them had questions or want to see what he was doing he'd be happy to show them. Council Member Kirk asked about the pickle ball courts. Ryan responded that the bid they got was extremely high and that they are looking how else to use the money which still includes pickle ball courts. Parties discussed garbage pickup plans and creating a tentative projects list that can be prioritized.

247 [\(37 MIN 20 SEC. Part2 Video\)](#)

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

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- Council Member Speth reported on the ongoing emergency preparedness plans and trying to get the word out. Parties discussed putting something in the newsletter or creating a QR code that can be scanned. Reviewed with Council the recently passed bills that related to water use and conservation and funding for metering that the city can apply for. Reported on the Historic Preservation Commission trying to obtain an Ev Thrope painting and that the family that currently has it are willing to talk about giving it to the city.
 - Council Member Nebeker reported on the Planning Commission and the recent public hearing they had regarding the vineyard annexation and zoning. Reported to Council the ongoing codification and his participation in it and that they are cutting a lot of unnecessary things out.
 - Parties discussed the annexation and issues that have arisen and trying to get with River Heights to work out some of the issues.
 - Council Member Paulsen reported to Council on the Historic Preservation Commission and their involvement in the States time capsule project. Indicated to Council that they were able to take and submit a picture of the old rock church. Discussed with Council that the HPC is looking to do their own time capsule and are looking into collecting photos from residents and maybe doing something for the city celebration in August. Discussed with Council the CELCO boundary line with Millville and trying to get together with them to resolve the issues that have come about.
 - Council Member Sealy reported to Council the city's code codification that she is also working on with Jeff and staff. Discussed with Council the city celebration meetings that have been going on and the progress everyone is making. Council Member Kirk indicated that the HPC was planning on doing a historic home tour for the celebration that should be really cool.
 - Council Member Kirk reported to Council on the youth council and asked whether it should be kept going with lack of interest as they are having a hard time getting kids to apply. Indicated that the youth council has helped a lot with the city celebrations like the Easter Hunt that recently took place. Reported on concerts in the park and the upcoming dates and other upcoming city activities.

- Mayor Alder commented on the new housing commission for the County and their plans for the valley. Indicated that she is helping on working on an RFP for garbage pickup and is talking with the other mayors in the area who also use Logan for garbage pickup. Commented on recent complaints that have been made regarding the vineyard annexation and is looking to talk with River Heights about some of the issues.
- Parties discussed the annexation and how to move forward and what more can be done to resolve these issues that the citizens have brought up.

Motion to adjourn meeting – Council Member Kirk. 2nd – Council Member Sealy.

Vote:

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

Ney-

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