

1 **PROVIDENCE CITY COUNCIL MEETING MINUTES**

2 Wednesday May 18th, 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
6 that can be found on Providence's YouTube Channel: [City Council 5/18/2022 - YouTube](#)

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 members Paulsen, Sealy, Kirk, Nebeker and Speth

14 City Staff in Attendance: City Manager Ryan Snow. Community Development Director Skarlet Bankhead, Public
15 Works Director Rob Stapley and City Recorder Ty Cameron

16 Pledge of Allegiance: Mayor Alder

17 Opening Remarks/Prayer: Council member Speth

18
19
20 **Approval of the minutes:**

21
22 **(5 MIN. 20 SEC)**

23 ➤ **Item No. 1 Approval of the Minutes:** The Providence City Council will consider for approval the
24 minutes of April 20th, 2022 . **(MINUTES)**

- 25
26 • Mayor Alder called item 1 and asked for a motion. Ty Cameron, City Recorder, indicated that the changes
27 that were requested by the Major and via email from Council members has been changed and that the
28 agenda on the city website has the updated minutes.
- 29 • Council member Sealy commented on having a sentence informing readers that the time stamps were non-
30 sequential. Council did not go in order due to some applicants arriving late. Council member Sealy asked
31 about the Juneteenth agenda item from last meeting. Mayor Alder indicated that it was not on this agenda
32 but would be looked at and discussed for a future item.
- 33 • No further comments were made.

34
35 **Motion to approve the City Council minutes of April 20th, 2022 – Council member Speth. 2nd – Council**
36 **member Sealy.**

37 **Vote:**

38 **Yea – Council members Paulsen, Kirk, Sealy, Speth & Nebeker.**

39 **Ney-**

40 **Abstained –**

41 **Absent –**

42
43 **Motion passes.**

(8 MIN. 20 SEC)

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.

- Mayor Alder opened the floor for public comment and indicated to the audience that this was the time to make comments on anything that was not on tonight's agenda.
- Sharell Eames, Providence City Resident, commented on if it would be possible for City documents to be numbered and/or have header/footers if possible. Also commented on having comments and questions that the Council receive from citizens through their city emails be public or reported. Indicated that she knows that she can do a GRAMA request for them but thinks it would benefit everyone if Council could find a way to make the comments that they receive via email public for all.
- Laura Fisher, Providence City Resident, commented that back in the day City Council use to report during their meetings the comments and questions they received from the public.
- Council indicated that they would try to resolve the issue regarding emailed comments and questions; and would try to have it as an agenda item in their upcoming meetings.
- Mayor Alder verified that no comments or questions had come in via the city's main email address and closed the public portion of tonight's meeting.

Public Hearing:**(17 MIN. 30 SEC)**

- **Item No. 2 Providence City's Proposed Tentative Budget for fiscal year 2023:** The Providence City Council will take comments and questions regarding the City's proposed tentative budget for this coming fiscal year. **(BUDGET REPORT)**

- Mayor Alder called item 2, gave a brief introduction, and explained the budget adoption process.
- Ryan Snow, City Manager, gave an overview of the tentative budget report which can be found through this agenda and on the City's website. Reviewed with all present the budget report formatting, the sections its broken down into, and some of the bigger changes that occurred with this years budget versus last years budget.
- Ryan Snow reviewed with all present the overall revenue and expenditures the city should see this coming fiscal year, upcoming projects, councils goals, salary adjustments, tax rate projections, sales tax, and capital projects.
- Mayor Alder opened the floor for public comment.
- Annette Drew, Providence City Resident, commented on the wage increase of the Council members and was disappointed in the increase, especially since an increase was approved a few months ago in January. Stated that the increase was too high and unnecessary.
- Laura Fisher, Providence City Resident, commented on the park and recreation budget, particularly a potential project that would see the area she lives in with a trail that could increase right of way issues, traffic, and noise disturbances. Indicated that there is already an absence of law enforcement in the area, and this would increase activity in the area which could cause for issues for its residents.
- No further comments were made. Mayor Alder closed the public hearing and indicated that the Council would be discussing and taking action on the tentative budget later tonight.

87 **Agreements, Contracts, Bid Awards:**

88
89 (39 MIN. 05 SEC.)

90 ➤ **Item No. 3 Lateral Shareholders Water Exchange Agreement:** The Providence City Council
91 will review, discuss, and may take action on a water exchange agreement with lateral shareholders.

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

- 93
- 94 • Mayor Alder called item 3 and gave a brief introduction. Asked Ryan Snow to give an overview of the
- 95 contract.
- 96 • Ryan Snow addressed the Council and indicated that, George Daines who drafted the agreement was here
- 97 tonight and that Council member Speth is also very familiar with the agreement and may wish to also give
- 98 an overview. Indicated that this item was on the Council’s last agenda but was postponed to allow the
- 99 water companies to go over it more thoroughly.
- 100 • Ryan Snow discussed with the Council what the agreement would do for the city and that in general it
- 101 would provide more culinary water for the City. This agreement would benefit all parties involved
- 102 assuming there is water that will run from Broadhollow this summer.
- 103 • George Daines commented on what the agreement would achieve and discussed with the Council the
- 104 topography and history of water in the area and who and where it serviced. Indicated that the water line
- 105 was unable to be pressurized and that many leaks or holes had developed over time, so pressurizing it now
- 106 would prove to be difficult.
- 107 • George Daines reviewed with Council the water calculation spreadsheet showing what the calculations
- 108 were for each landowner who would participate or sign the agreement; and what the exchanges would
- 109 potentially be. Indicated to Council that this agreement was a trial agreement and would only last for a
- 110 year and that any party involved could pull out at any time.
- 111 • Council asked if there were other landowners not listed that could or would be listed. Mr. Daines indicated
- 112 that yes there were 3 others not listed who were interested but had not had their water assessment done
- 113 yet.
- 114 • Parties discussed the credits and discounts and indicated that they could change based on the amount of
- 115 water and access.
- 116 • Council member Speth commented that this agreement is worth approving and would be very beneficial
- 117 to all if it worked out. Commented that in general this would allow all parties to use water that would
- 118 otherwise be lost. Council member Speth indicated that the city was in the process of participating in a
- 119 water study regarding pressurization that the State would be conducting.
- 120 • Parties discussed the trial of the agreement and if a report could be provided in a month to see if it was
- 121 working. Ryan Snow responded that they really need to see the agreement through to the end, which would
- 122 last May through September, in order to really see what the numbers are and how beneficial it would be.
- 123 • Council agreed that this would be good to sign off on. Mayor Alder called for a motion.
- 124

125 **Motion to approve the water exchange agreement between water shareholders and the city– Council**
126 **member Speth. 2nd – Council member Paulsen.**

127 **Vote:**

128 **Yea – Council members Paulsen, Kirk, Sealy, Speth & Nebeker.**

129 **Ney-**

130 **Abstained –**

131 **Absent –**

133 **Motion passes.**

136 **Plans and Other Business:**

138 **(1 HR. 3 MIN 45 SEC.)**

139 ➤ **Item No. 4 Development Project Open Houses:** The Providence City Council will discuss and
140 may take action on planning and holding open houses with the citizens, adjacent cities and developers
141 regarding the Vineyard development located in the general area of 600 S & 1000 E and the Highlands
142 development located in the general area of 1200 S & 800 E.

- 143
- 144 • Mayor Alder called item number 4, gave a brief introduction, and indicated that the developers for the
145 Vineyards and Highlands projects are here tonight.
- 146 • Dallas Nicholl, representative for the Vineyards development, took the stand and commented to Council
147 that he along with others from Visionary, who are developing the Vineyard, think it would be a great
148 idea to hold an open house to discuss the development and construction plans for the area. Indicated that
149 Visionary held a meeting a week or so ago to talk with the public and city representatives from both
150 Providence and River Heights about the Vineyard development discussing issues they have had and
151 what they would like to see going forward.
- 152 • Mr. Nicholl discussed with Council that Visionary is planning on holding an open house for the
153 Vineyards project to engage the public about their plans for the area and what they would like to see
154 happen in terms of what type of housing should be developed there. Indicated that Visionary has reached
155 out to the current residents of the Vineyard and discussed the issues with the amenities that would
156 change due to the reduced number of unit’s that would be developed in the remaining area.
- 157 • Council member Paulsen commented on the open house and discussed with staff what rights or legalities
158 were there if all members of the Council attended.
- 159 • Council member Speth commented on the application status of both developments and that they should
160 be seen and treated separately.
- 161 • Kent Norton, representative of the Highlands development that is between Providence and Millville,
162 commented on the possibility of having an open house and how he thinks it would be a great idea.
163 Indicated to Council that an application has been submitted for phase 1. Mr. Norton stated that getting
164 the public involved from the beginning would help resolve a lot of issues that may arise.
- 165 • Council commented on making sure developers try to include not just Providence City residents but also
166 our sister cities River Heights and Millville, making sure they are aware of the open houses.
- 167 • Denise Samples for the Highlands development clarified that the application that has been submitted,
168 and they are working with Providence City staff,
- 169 • Hal Christenson, representative of Terrex Engineering and Construction for the Highlands development,
170 confirmed the application and that the conceptual plans have been submitted. They are working on
171 resolving the comments and questions the city staff have regarding their plans.

- Council member Kirk commented and questioned what the legalities were for Council to attend public events that were not sponsored by the city. Staff responded that that in general they would be fine to attend public events or an open house so long as they are not conducting any city business. It would of course be recommended that they wouldn't congregate around each and making sure they are transparent and that they are not perceived by the public as holding any kind of city business at the event.
- Parties discussed public perception and transparency.
- Mr. Norton commented that if an open house causes problems, they would be more than willing to allow the city to hold a public hearing or open house here in the council room.
- Parties discussed the rights and responsibilities of the council as it relates to development driven public events. Indicated that engaging with the public at these events individually would allow them more interaction than they would if held here at the city. Parties discuss the recent survey that went out and indicated how the public would like to receive information per their responses in the survey.
- Council member Speth stated that it would be a good idea to talk to the city attorney and get his advice on the matter.
- Council member Nebeker asked how the developers planned to market their open houses.
- Mr. Norton responded that at the moment since nothing was set, he wouldn't know but would probably guess they would market through social media, flyers etc.
- Council reiterated Council members Speth's comment regarding getting in contact with the city attorney to see how best to move forward.
- Laura Fisher, commented on the survey and objects to it being called a survey.
- Council member Sealy asked Ms. Fisher how she would like to receive information. Ms. Fisher responded that by mail is the best method.
- Council indicated that no motion was necessary and that they would first contact the city attorney to better understand their rights and potential involvement with the open houses before moving forward.

Resolutions/Ordinances:

(1 HR. 40 MIN. 25 SEC.)

➤ **Item No. 5 Ordinance 04-2022: Providence City Code 10-8-3 Retaining Wall Amendment:**

The Providence City Council will discuss and may take action on an ordinance to amend PCC 10-8-3 Retaining Walls. Planning Commission held a public hearing on May 11th, 2022, and motioned to recommend to City Council that they do not approve the amendment. **(ORDINANCE)**

(CODE REVIEW)

(CODES FROM OTHER CITIES)

(REQUEST)

- Mayor Alder called item 5, gave a brief introduction, and indicated that the Planning Commission had recommended to them that they deny the ordinance. Asked Skarlet Bankhead to give an overview of the request.
- Skarlet Bankhead discussed with the Council the request and stated that with this request the staff report focused mostly on making sure all the proper procedures were taken. Staff did not discuss or make any modifications as this request came from a resident and not the staff. Skarlet Bankhead indicated that the biggest change to the code with be that the request introduced averages which could be problematic.

- Skarlet Bankhead stated that if Council was going to deny the request and if they wanted staff to continue to investigate amending the code that they give a recommendation on what they would like to see or how staff should proceed.
- Parties discussed the request for averages and their concerns on allowing such wording to be in the code. Council stated that they believed that a possible amendment to the City’s retaining wall code would still be worth looking into, especially as people build more on the mountain.
- Council agree that the changes proposed in this amendment request are not the right changes.

Motion to deny Ordinance 04-2022 a request to amend city code 10-8-3 retaining walls– Council member Paulsen. 2nd – Council member Speth.

Vote:

Yea – Council members Paulsen, Kirk, Sealy, Speth & Nebeker.

Ney-

Abstained –

Absent –

Motion passes.

(1 HR. 50 MIN. 55 SEC.)

- **Item No. 6 Resolution 005-2022 – Tentative Budgets 2023:** The Providence City Council will consider for adoption a resolution approving the 2023 Tentative Budgets for all funds.

(RES 005-2022 W. BUDGET)

- Mayor Alder called item number 6, gave a brief introduction, and asked for a motion before opening the floor for discussion.
- Council member Kirk motioned to approve the tentative budget. Motion was seconded by Council member Sealy. Mayor Alder opened the floor of discussion regarding the tentative budget.
- Council member Nebeker commented on the wage increase for Council and disagreed with the increase. Commented on how he would like to see more public comments and input from the public.
- Council member Kirk commented on the roles and responsibilities of Council members and indicated that the increases the Council has recently received puts them on par with the other cities councils of our size.
- Council discussed their overall involvement with how they serve the city such as travel, trainings, Council member goals, which are completed outside of council meetings, keeping up with updated legislation etc.
- Council member Paulsen commented on the pay increase, public service responsibilities of council members and creating a wage incentive for further residents to run for office.
- Council member Kirk commented on the tentative budget and getting the big budget picture. Discussed with the Council Park space preservation and building out more park space; has talked with developers about obtaining more land for parks. Council member Kirk talked about building out Alma Leonhardt Park and possibly doing a fundraiser for the Zollinger park expansion.
- Ryan Snow commented on what the Council could discuss as it related to property acquisitions and sales. Commented on the bidding process on construction cost for city projects

- 254 • Council discussed that some of the budget items that they are talking about could be addressed later in a
255 midyear budget adjustment when they have more information.
- 256 • Council member Nebeker asked about any money that is set aside for ‘rainy days’. Ryan Snow responded
257 and discussed with Council the city’s savings and process for saving for upcoming projects as well as
258 excess funds or surplus. Council member Paulsen asked about the drop in interest and Ryan responded
259 that it calculated off current trends
- 260 • Parties discussed the 9% inflation for wage increase and the consumer price index where the number is
261 pulled from. Parties discussed retention and merit raises.
- 262 • Parties discussed the 300 S road development, bike and trails grant and the trail that will go from Center
263 Street through Zollinger Park, Gateway and Macey’s and a mid-block crossing. Parties discussed Ev
264 Charge Stations and AV upgrade for the City Council room.
- 265 • Council member Speth commented on the Historic Preservation Commission plans to obtain an EV
266 Thrope painting that will be hung up in the council room.
- 267 • Bob Bisnell, City Resident, commented on the painting and if it has been appraised and if insurance for it
268 has been addressed. Council member Speth responded that it is still in the early stages, but that HPC is
269 arranging for all of those details.
- 270 • Parties discussed funds for the emergency preparedness brochures and magnets and the possible creation
271 of a nuisance or code enforcement officer for the city and the budget for it.

272
273 **Motion to approve the Tentative Budget of FY 2023 – Council member Kirk. – 2nd Council member Sealy**

274 **Vote:**

275 **Yea – Council members Paulsen, Kirk, Sealy, Speth & Nebeker.**

276 **Ney-**

277 **Abstained –**

278 **Absent –**

279
280 **Motion passes.**

281
282 **(2 HR. 39 MIN 10 SEC.)**

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

- 285
- 286 • Mayor Alder called for staff reports.
- 287 • Rob Stapley, Public Works Director, reported to the Council the plans and progress that has taken place
288 over the last few months regarding the reservoir and the cemetery expansion. Council member Sealy asked
289 about the 300 S Road construction. Rob indicated that they are just waiting for engineering and Legrand
290 Johnson, the company overseeing the project. He expects things to start up in 1-2 weeks. Discussed with
291 Council Hillcrest Park and their plans to revive the grass, the city’s Water Master Plan and commended
292 the public works employees for all their hard work and staying efficient with all the projects they have
293 going on. Council expressed appreciation to Rob and his team.
- 294 • Skarlet Bankhead, Community Development Director, reported on the parks and recreation department
295 and their current sports registrations going on, the concerts in the park that they have scheduled, and the
296 retaining wall issues that they are encountering throughout the city. She asked the Council that if they

297 have time to drive up around the Hollows Subdivision and look at the retaining walls that are going up in
298 that area and take note as to whether or not they want to see more of that or if they think it is an issue.
299 Discussed with Council the current housing developments that are going on in the city and expressed
300 appreciation for approving the budget and tentative wage increase. Council thanked Skarlet and all the
301 work her and her staff do for the city.

- 302 • Ty Cameron, City Recorder, discussed with Council the OPMA certificate that some of them still needed
303 to complete, indicated that court has gone back to in-person court as of this week and indicated that a
304 rezone public hearing was to be heard next week in front of the planning commission and expect to see
305 something next Council meeting regarding their recommendation.
- 306 • Ryan Snow, City Manager, discussed with Council the survey that is out regarding the public’s view of
307 the city and reviewed with them the results. Indicated that the fiber is coming along well and is expected
308 to double in the coming weeks. Discussed with Council the tentative budget and the process for drafting
309 it as well as the grants we have received and are looking to obtain.

310
311 **(3 HR. 25 MIN. 20 SEC)**

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

- 314 • Mayor Alder called for Council reports.
- 315 • Council member Paulsen discussed with the Council his meeting with Visionary regarding the Vineyard
316 development. Reported on his attendance at the Trail Committee meeting and the idea to use reflective
317 dishes up the canyon for bikes and cars for safety reasons. Indicated that a survey was taking place
318 regarding bonding for open space or land. Reported to Council that the canyon clean up went really well.
319 Indicated that he attended the Millville City Council meeting where they discussed the boundary line
320 adjustment that has been ongoing.
- 321 • Council member Kirk reported to Council the Youth Council applications were available and encouraged
322 the Council that if they know anyone who would be interested in applying to do so. She gave the Council
323 an update on the City Celebration and that it was going very well and that everyone involved was going
324 all out to make it a great celebration. Reported on the upcoming concerts in the park and asked council
325 members to attend. She commented that she has ideas of possible fundraisers for the Zollinger park and
326 helping with the fiber roll out.
- 327 • Council member Sealy reported to Council that residents have reached out regarding updating playground
328 equipment through the city and animal control issues that they have seen. She is attending the County
329 Housing Task Force meetings and is working on the city’s code codification. Indicated that she also
330 attended the Visionary meeting on the Vineyard development and has met with the schools regarding
331 plans to improve the crosswalks and signage. She is also working on requesting help for the Healthy City
332 grant and possibly creating a committee to help move it along.
- 333 • Council member Speth updated the Council on the Emergency Preparedness plans and indicated that the
334 citizens would need to do their part. Discussed with the Councils the Governors executive drought order
335 and the city and its citizens being more water wise. Commented on the EV Thrope painting that HPC is
336 in the process of getting for the city.
- 337 • Council member Nebeker reported to Council the ongoing codification he is working with city staff and
338 Council member Sealy. Mentioned to Council the benefits of planning and zoning open houses. He
339

commented on the mosquito abatement meetings and indicated that if residents didn't want their property sprayed that they could fill out a form that would allow mosquito abatement to skip their property.

- Mayor Alder reported on the Economic Summit that she attended. Indicated that the Majors are still working on an RFP for Garbage Removal for when Logan ends their contract. Parties discussed the garbage contract how to they plan on moving forward when the contract with Logan ends. Mayor commented on the Chamber of Commerce membership the city is a part of what they offer and what they help with. She encouraged their participation.

Motion to adjourn City Council meetings – Council member Kirk. 2nd – Council member Speth.

Vote:

Yea – Council members Paulsen, Kirk, Sealy, Speth & Nebeker.

Ney-

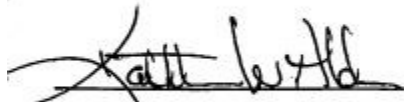
Abstained –

Absent –

Motion passes meeting adjourned.

Minutes prepared by Ty Cameron, City Recorder

Minutes approved by the City Council on 15th day of June 2022.



Kathleen Alder, Mayor



Ty Cameron, City Recorder