## PROVIDENCE CITY COUNCIL MEETING

2 March 13, 2018 6:00 PM

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

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Opening Ceremony:

Call to Order: Mayor Drew Roll Call of City Council Members: Mayor Drew

Kirk Allen, Jeff Baldwin, Kristina Eck, Dennis Giles, Roy Sneddon

9 Pledge of Allegiance: Mayor Drew 10

Opening Remarks – Prayer: None

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## **Approval of the minutes**

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- Item No. 1. The Providence City Council will consider approval of the minutes of February 27, 2018.
- 15 Motion to approve the minutes of February 27, 2018 - R Sneddon, second - K Allen,
- 16 Vote:
- 17 Yea: K Allen, K Eck, D Giles, R Sneddon
- 18 Nav: None
- 19 Abstained: J Baldwin
- 20 **Excused: None**
- 21 Corrections:
  - Page 3 line 12 ridicules ridiculous
  - Page 5 line 11 and 12 <del>500 North</del> 300 East
  - Page 5 line 18 irrigations irrigation
  - Page 5 line 19 system season

Public Comments: Citizens may appear before the City Council to express their views on issues within the City's jurisdiction. Comments will be addressed to the Council. Remarks are limited to 3 minutes per person. The total time allotted to public comment is 15 minutes The City Council may act on an item, if it arose subsequent to the posting of this agenda and the City Council determines that an emergency exists.

• No comments from the public

## **Business Items:**

Item No. 1. Proclamation - Child Abuse Prevention Month: Melissa Schaeffer, The Family Place Board President, will review the proclamation for April 2018.

- M Schaeffer stated not only is she the President of the Board of Directors, she is a proud Providence resident.
- Over the years they have served tens of thousands of children. The Family Place offers counseling, parent resources, and The Kids Place (the official children's crisis shelter [for children age 0-11 years] for Cache and Rich Counties). They provide crisis care for families. When a child is removed from the home because of abuse or neglect, they are taken to the Family Place where they remain with the staff and receive counseling and care for the duration of their visit. They have experienced large growth, now in three locations: Hyrum, Logan, and Smithfield.
- The Center has an active partnership with law enforcement. The goal is to get children back into the homes and provide counseling and therapy. Sometimes they are successful, sometimes they return.
- One of the services offered through the Kids Place is respite care. Where parents can drop their child off, while the parent can cool-down, gain some prospective, receive counseling, etc.
- There are two revenue streams: donations (private and individual) and grants. About 60% of the

- revenue comes from donations, about 40% from grants. They have active fundraising, the most popular is held in April (this year Friday, April 13) at the Riverwoods Convention Center. It is the Annual Benefit Dinner and Auctions (silent and live). Last year they raised \$86,000.
  - April is nationally recognized as Child Abuse Prevention Month. They ask the City to support
    efforts to keep families strong and children safe. They would like to invite a member of the City
    Council to serve as a liaison. K Eck volunteered to serve as the liaison.
  - The majority of perpetrators are between the ages of 18 and 34 (relatively young parents).
     Many were victims of abuse and neglect themselves. The challenge is breaking the cycle. They are trying to do this through information, proactive interaction and intervention, and counseling. They have seen success.
  - There is always a need for foster care families. Fortunately, they have some good resources, but there is always a need for more.
  - Mayor Drew read and signed the proclamation.

- Two events to keep in mind: Stepping Up Event on March 28 and April 13 Benefit Dinner and Auction.
- M Schaeffer thanked the Council for their support.

**Item No. 2. Cache Valley Transit District Report**: Jeff Turley, Providence Representative on the CVTD Board, will give a report.

- J Turley started his time on the board by taking a tour of the facilities. He felt CVTD was running very well and they have no debt. That does not mean there is not room for improvement; but for the most part it is running very well.
- J Turley explained he does not ride the busses because they are not convenient for him. Mayor Drew suggested J Turley ride the busses, not to get somewhere, but to see how they operate. Mayor Drew reported he rode the busses for several days. The drivers were professional and the busses were clean.
- J Turley said the busses are being used. However, ridership has been going down for the past five years. He explained when the economy is doing well, people feel they can put gas in the car. When the economy is down and gas prices are up, more people ride the busses. The year 2012 had the highest ridership for the CVTD, but ridership has dropped since then. The Board has a short-range plan that was approved last year. They have given the Chief Executive Office the task of using the plan to present options to increase ridership to the Board at the next meeting.
- K Allen asked why USU maintains their own system and does not combine with CVTD. Mayor
  Drew felt the two systems were a duplication. Mayor Drew explained he spoke with Todd
  Beutler previously, but there did not seem to be interest in combining. J Turley said he would
  follow up with the Board.
- R Sneddon asked about funding sources. J Turley gave the Council fact sheets. J Turley explained this is a fare-free system. He reported 67% local sales tax, 29% federal grants, and 4% Franklin County, Salt Lake Express, advertising and fees when people rent the busses.
- J Turley explained services are adjusted to stay within the budget. He reported the vehicle replacement plan, through 2027, has already been set aside in the budget.
- K Allen asked where the increase in funding is going in addition to replacement of busses. Mayor Drew explained about three and one-half years ago, the CVTD was asking for a sales tax increase. At that time, the Mayor asked J Drew, then a council member, to look into the process. He found a lot of bus driver turn-over and 25% of the budget was going to salaries for five senior officials; this has since changed.
- J Turley agreed that progress had been made. He felt CVTD was doing a good job, but they are concerned with ridership. Mayor Drew felt many of the riders were children going to school. He felt if parents had to pay fare fees, less children would ride. Mayor Drew explained there is a system for people with disabilities, so changing would not affect those routes. J Turley explained

- he has a friend with a disability; the para-transit system does not work for him. He prefers to ride the regular bus system. Every bus is ADA equipped. J Turley felt the transit system was created to assist three groups of people: disabled, elderly, and low income. J Turley felt if other riding helps bring numbers up to continue to serve the three groups, that was beneficial. He used his father, in Salt Lake City, as an example; he uses busses to get to his appointments, etc. K Allen also felt the bus system helped those with emotional disabilities.
  - J Turley explained Hyrum is the furthest south point, Franklin County is the furthest north point. They are working with Wellsville City to see if that is an option.
  - Mayor Drew felt there may be pushback from the public if transit asks for another sales tax increase.
  - K Allen expressed appreciation to the transit district for their efforts to clean-up the transit center area. Mayor Drew explained there is a sheriff's deputy at the terminal all the time.
  - R Sneddon asked if multiple family buildings were near the bus stops. J Turley reported he sees riders waiting at the bus stops in those areas.
  - J Baldwin asked if there were bus stops on Campus. J Turley reported they do.
  - Mayor Drew reviewed the CVTD website and explained there is a Federal study on why people
    do not ride the bus that you can access from the site. He felt a challenge was the schedule and
    the time it takes to ride the bus.
  - J Baldwin felt as the cities grow, busses will be more important. He felt other than the University, it will be hard to get the ridership numbers while it is quicker to drive.
  - J Turley reported most people that ride the bus, ride it because it is their choice.
  - Mayor Drew felt CVTD enabled the University to reduce their parking. J Turley explained the
    University has been reducing parking on the inner campus for a long time. K Allen explained
    many universities throughout the Country do not have parking on campus.
  - J Turley reported the busiest busses were the busses going to and from the University. He reiterated it is important to remember the transit system was built for the elderly, poor, and disabled so they can get where they need to go.
  - Roger Pond, River Heights representative on the CVTD Board, felt J Turley covered the basic ground.
  - J Turley reported the CVTD Board is currently reviewing the policies. If there is a change that needs to happen, the Board can meet and make the change quickly. J Turley would like to update the Council on progress in six-month intervals.
  - R Pond felt increased population and increased traffic are concerns. He felt riding the bus
    instead of cars was environmentally friendly. Mayor Drew felt much of the traffic increase was
    from parents driving their children to school.
  - Ron Detally, Board Member, reported when his children were growing up in California, the bus started charging and parents started driving.
  - Kathleen Sneddon reported her grandson rides the school bus to high school but there are very few students that do. K Eck felt part of the problem was there was not enough room on the school busses.

**Item No. 3. Discussion**: The Providence City Council will discuss Baur Avenue Improvements and the Tim Kohler property.

• S Bankhead explained City staff has been working with the Kohler family to acquire easements for the Baur Avenue water line project. During this time, Tim Kohler has also been talking to the City about subdividing his property to sell a lot to his son. Because of the way the T Kohler property is situated, it would require improvements on three sides of the property; development of two lots usually only requires improvements on one or two sides. The staff would also like to coordinate the subdivision improvements and the water project improvements, if possible, to prevent duplication. The staff is also suggesting the east / west

- portion of Baur Avenue be renamed 600 South; the north / west portion would remain Baur Avenue.
  - Jordan Kohler explained the ordinance would require well over 500 feet of sidewalk. He also
    explained the geography of the property is not conducive to sidewalk installation. It was
    explained the sidewalk will not connect. Currently, there is no sidewalk on Baur Avenue.
  - T Kohler explained Regina Kohler previously dedicated property for Baur Avenue. K Eck asked if
    the City was widening the road as part of the water project. Max Pierce, City Engineer, explained
    generally the City intends to replace what asphalt the project damages, which will widen the
    road by a couple of feet.
  - J Baldwin felt it would be difficult to take Main Street south without taking homes. K Eck felt that Main Street could eventually go through. Max Pierce felt it would be very tight, but eventually the street could go through; it is shown on the master plan. He suggested a potential compromise may be to get dedication now, but not require improvements.
  - T Kohler explained they would like to proceed, but to meet all of the requirements is too burdensome. He explained the Main Street side is a family issue, not something he would like to do. He explained he only owns a small section. Most of the other owners do not want to dedicate land for the road. T Kohler explained he does not want to disturb a 100-year old rock wall that was built by his grandfather.
  - J Baldwin just did not see Main Street going through. K Eck felt it would be different in 50 years.
  - T Kohler explained the new building lot should not have impact on the Main Street side. They do not feel the Main Street side should be improved.
  - R Sneddon asked M Pierce if he felt extending Main Street was feasible. M Pierce felt it was doable and reminded the Council Main Street is a master plan road.
  - R Sneddon felt that because the sidewalk would not connect to any other, it seemed a burden
    on the developer. With one developer getting only one lot, it seems disproportionate. M Pierce
    explained many sidewalks are installed as part of development and wait for connectivity until
    future parcels develop. M Pierce suggested requiring sidewalk on the north and east sides of the
    development and not on the west side may be a compromise.
  - J Kohler did not feel anything needed to done on Main Street. They are willing to work with the asphalt on the north and the east sides of the development.
  - Mayor Drew felt width of asphalt was also a problem. M Pierce explained in order to be ten-feet west of the sewer, the new waterline will have to be right on the west side of the road, destroying the rest of the existing road. The City project will put cover on the waterline and extend asphalt to the west about 2 feet, making a 20-foot width.
  - M Pierce explained there is enough easement to have 20-feet of asphalt. Neither side is a 66-foot right-of-way. J Baldwin felt twenty feet of asphalt was too narrow.
  - K Allen and K Eck felt dedication of Main Street was important. K Eck understood the reluctance to have something happen to the rock wall. She suggested getting an easement now and making the improvements later. M Pierce explained it would be better to get actual right-of-way than an easement. That may mean the City would cover the costs of improving the road in the future; but if the right-of-way were dedicated now, as part of the development process, the City would not have to buy the right-of-way in the future.
  - Mayor Drew asked about the timing of the water project. M Pierce felt it would be two or three weeks before bidding. Then the bids would have to come to the Council for award.
  - M Pierce explained the water project will widen the asphalt just enough to cover the water project, approximately two feet.
  - R Sneddon suggested installing a sidewalk along the east edge of Baur Avenue without curb and gutter. M Pierce suggested requiring improvements that are consistent with anyone else developing a two-lot subdivision. M Pierce felt, as it is right now, because of the way the

- Mayor Drew felt it would be beneficial for the Council members to walk the area.
- J Baldwin suggested a little extra width with curb and gutter, without sidewalk. Eliminate the sidewalk and use the footage to widen the asphalt and install curb and gutter. M Pierce explained that at 20-feet the asphalt would be wider than it is now, and it is important to keep in mind that the City project is a water project. J Baldwin agreed, but felt the developer portion of road improvements could widen the asphalt. On the Main Street side, get the dedication, but not the improvements.
- Tim Kohler explained he hesitates to donate Main Street because he felt the City changed its stand when homeowners dedicated portions of 100 South. He does not want to have that happen again. He felt he was being held hostage on Main Street, when the new lot would not affect Main Street at all. T Kohler felt giving up a portion of Main Street goes against the wishes of his family.
- Brent Fresz felt with all the construction, now would be the time to install the improvements. He also felt that because the new lot was part of development in the area, it did affect Main Street.
- S Bankhead explained when the Kohler property on the west of Main Street develops, that developer will improve their portion of Main Street. She suggested, if the City can legally do so, get the dedication for Main Street now, and put a deed restriction on Parcel No 02-125-0029 that when the west side of Main Street develops, the owner of Parcel No 02-125-0029 will complete the improvements on the east side of Main Street.
- T Kohler explained he is only one of five siblings. He felt it was a possibility. J Baldwin felt it a good compromise.
- M Pierce explained to get 24 feet of asphalt and curb and gutter, the City would have to acquire more property.
- J Baldwin felt the City should do some preliminary surveying work. Then we will know what we have now, and what we need in the future.
- T Kohler explained he is willing to dedicate the property along Baur Avenue (115 feet in length). This would require dealing with some irrigation ditches.
- Jeffrey Smitten, Baur Avenue resident, expressed concern regarding the angle of the bend. He wanted to make sure the City considered the bend in the future design. He felt the City should talk to the Baur Avenue residents prior to making decisions that would disrupt their neighborhood. He did not like the thought of Baur Avenue turning into a thoroughfare.
- K Allen appreciated J Smitten's comments, but felt the disruption would come from development to the south.

**<u>Staff Reports:</u>** Items presented by Providence City Staff will be presented as information only.

• R Stapley was excused for illness.

- S Bankhead explained the City uses seasonal umpires. This year two young men that would like to be considered, cannot because of the City's policy on hiring relatives.
  - Sheyler Gunnell explained it is difficult to find good umpires. S Gunnell's son and K Eck's stepson, Miles Eck, would like to be considered. M Eck umpired for the City in the past and did a very good job. S Gunnell explained hiring the boys would not violate state code, but it is contrary to the City's policy.
  - K Eck felt it would be very easy to fill the positions. She questioned S Gunnell's statement; she felt it was a coveted job, especially as the City pays very well. S Gunnell clarified it is difficult to find good umpires that know and understand the game. K Eck asked about the pay rate. S Gunnell reported the rate is \$25 and \$35 per game. K Eck felt there were many young people that would work for that amount.
  - o K Allen explained if the umpire is good, the game will go with minimal disruption. It is important to know how to position themselves, how to call a strike, and how to keep

- the game under control. K Allen did not think age was a factor; it is the ability to do the job. It is not a position just anyone can fill.
- Mayor Drew asked how the City finds umpires. S Gunnell explained he knows many through his son's friends and the baseball program. S Gunnell lets people know the City is hiring and word-of-mouth gets notice around. S Gunnell explained there are a many schedule conflicts with the boys playing on teams. The City needs quite a few umpires to cover the scheduling conflicts.
- K Eck did not feel we were asking for umpires; she felt we were going with "who knows who" and reaching out to a few. She did not feel we were asking for umpires. She felt there were boys who did not make the baseball team that would be excellent umpires. She disagreed that it was hard to find umpires.
- o D Giles suggested advertising in the newspaper.
- o R Sneddon felt if there was not rule against S Gunnell's son, the problem would be if someone disagreed with the call and tried to make it a problem.
- K Eck stated the problem is with the City's reputation with nepotism. It gave the City a big black eye and continues to give the City a black eye. K Allen asked where nepotism occurs. K Eck felt the problem was Skarlet Bankhead and Tara Bankhead. K Allen explained by law that is not a problem. K Eck felt the reality is what it does to the reputation of the City. K Allen disagreed. K Eck felt there was a problem with the HR Director and S Bankhead's position. K Allen explained the lawyers have said no problem. K Eck stated he must be blind.
- Mayor Drew agreed with R Sneddon, it had nothing to do with nepotism and more to do with perception. S Gunnell understood the concern.
- K Eck stated the position needs to be advertised.
- S Bankhead explained the City has not yet advertised it this year, but it has been advertised in the past in the City newsletter and on the website. She also explained it is difficult to get umpires. We use Rocky Mountain umpires for the most part, because they are trained and qualified. However, we have had Rocky Mountain umpires say they would not umpire the games. She explained it is a problem getting youth umpires that have the time to meet the schedule. She is not advocating a change to the policy, but it is difficult to find enough umpires to fill the need. The City will advertise the position on the website and in the newsletter.
- o K Allen asked if there were expectations. The City has a job description.
- K Eck felt the City policy said no, and we should stick with the policy even though her own son would be angry. She did not want to be part of nepotism and did not want anyone to accuse her of favoritism. S Gunnell explained he understood with his son; but does not agree with not hiring M Eck since K Eck has no supervision responsibilities.
- J Baldwin felt if the City advertised and did not get enough qualified individuals, then there would not be a problem hiring the two qualified boys. He felt the City could justify its actions. S Gunnell agreed and explained that M Eck umpired last year and did a very good job. That is why he would like to bring him back.
- K Allen felt if the City had job descriptions and qualifications there would not be a problem, even with S Gunnell's son.
- K Eck felt someone besides S Gunnell should do the interviewing. K Eck explained she was not trying to be difficult; she was trying to clean up the City's reputation. S Gunnell explained someone else could supervise his son if need be. K Eck felt that would just be the same problem that exists in the office with S Bankhead and T Bankhead.
- S Bankhead explained she does not supervise T Bankhead nor does she influence any pay rate or evaluation for T Bankhead. T Bankhead reports to the Mayor and Public

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**Providence City Council Minutes** 

- Works Director. K Eck stated she did not believe that in a second. Don't expect me to believe what comes out of your mouth.
- R Sneddon volunteered to sit in the interviews with S Gunnell. K Allen volunteered as well. S Gunnell accepted the help and explained he does not usually interview without someone else.
- The February invoice register was included in S Bankhead's staff report. K Eck asked about the \$460 for engineering on the Uptown Park. See Council Reports
- K Allen asked since Wolford sold his motorcycle business, could a new business move into his location. Mayor Drew said yes, and a similar motorcycle business could move in as long as it met the conditions.

**Council Reports:** Items presented by the City Council members will be presented as informational only; no formal action will be taken. The City Council may act on an item, if it arose subsequent to the posting of this agenda and the City Council determines that an emergency exists.

- K Eck asked for clarification on the RAPZ project. S Bankhead explained the 2017 RAPZ application included improvements to the scorer's booth in the top of the restroom building. The City needed some engineering guidance on improving the scorer's booth.
  - K Eck explained she is looking for transparency. When the RAPZ application was discussed, it was about lights. She knew nothing about other improvements. J Baldwin explained there have been many past conversations about improving the structure and the cement area.
  - S Gunnell explained the original request was to update the structure, install ADA compliant dugouts, new fencing, scoreboard, upgrade the field, and install lights. This half is to finish the project. K Allen agreed this had been discussed. He went on site during the discussions and felt the original request was for everything.
  - D Giles asked how much of the first award had been spent. S Bankhead explained about \$81,000 on field upgrade, fencing, concrete, and dugouts. The improvements to the building still need to happen.
  - S Bankhead explained the Council was informed before the [2017] application was submitted. She also explained some of the remaining award will go toward the lighting. K Eck felt there needed to be more transparency with the park committee, because we only talked about lights; she felt things were hidden. S Gunnell explained he has been very open with people about the project. K Eck felt the project [details] had been hidden from her and she asked a lot of questions. K Eck stated she has been learning about RAPZ and felt there was more money the City could use for cultural activities; she will report more at the next meeting.
- D Giles no report.
- K Allen no report.
- J Baldwin asked that Blacksmith Fork Irrigation (BSFI) be put on a future agenda. Mayor Drew read emails between he and BSFI President, Jason Fuhriman that confirm the Board received the information for the memorandum of understanding. Mayor Drew also reviewed the BSFI budget that was adopted and posted on the BSFI website. He also explained the Board is no longer using their attorney. In talking with Craig Smith, if we cannot come to a resolution, the City will probably send a letter to the Board explaining they may be held personally liable for damages. The only thing the irrigation company does to deliver water to the City is put water into the canal. They do not have to do any more to deliver irrigation water to the City than any other shareholder. The exchange comes from the upper canal; the 130 shares in the lower canal are not used for the exchange. He questioned why the MOU has to be approved by the shareholders.

1 D Giles felt it was in BSFI's court to move forward. 2 Mayor Drew also reviewed the city council minutes of October 11, 2016, where David 3 Olsen and John Hubbard spoke to the City Council. Mayor Drew felt the proposed MOU 4 addresses the issues brought up in the 2016 meeting. 5 o K Eck asked about the stormwater report. S Bankhead explained the Mayor's suggestion 6 to have the City clean the canal system in the spring and BSFI clean the system in the 7 fall, reduced the immediate need for the report. S Bankhead explained that the City will 8 still need to have the report done for the master plan. 9 10 **Executive Session Notice:** 11 The Providence City Council may enter into a closed session to discuss pending or reasonably imminent 12 litigation as allowed by Utah Code 52-4-205(1)(c). 13 The Providence City Council may enter into a closed session to discuss professional competence or other 14 factors allowed by Utah Code 52-4-205(1)(a). 15 The Providence City Council may enter into a closed session to discuss land acquisition or the sale of real 16 property Utah Code 52-4-205(1) (d) and (e). 17 No executive session held. 18 Motion to adjourn – J Baldwin, second – K Eck 19 Vote: 20 Yea: K Allen, J Baldwin, K Eck, D Giles, R Sneddon 21 Nay: None 22 **Abstained: None** 23 **Excused: None** 24 25 Meeting adjourned at approximately 26 Minutes prepared by S Bankhead. 27 28 APPROVED March 27, 2018 29 30 31

Skarlet Bankhead, City Recorder

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John Drew, Mayor