

1 **PROVIDENCE CITY COUNCIL MEETING MINUTES**

2 Wednesday May 15th, 2024, 6:00 PM

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

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5 To view the video recording of the meeting please visit our YouTube channel found [HERE](#).

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7 **HR. MIN. SEC** in green above agenda items are timestamps of the YouTube recording.

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9 **Opening Ceremony:**

10 Call to Order: Mayor Alder

11 Roll Call of City Council Members: Mayor Alder, Council Members Kunz, Kirk, Sealy, Speth & Nebeker.

12 Staff in Attendance: City Manager Ryan Snow, Community Development Director Skarlet Bankhead, Public
13 Works Director Rob Stapley & City Recorder Ty Cameron.

14 Pledge of Allegiance: Council Member Nebeker

15 Opening Remarks/Prayer: Council Member Speth

16
17 **7 MIN. 15 SEC.**

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

- 20
- 21 • Council members reported on their assigned assignments and current issues and concerns the public has
- 22 brought to their attention.
- 23 • Council Member Kunz reported that he attended the monthly mosquito abatement meeting and that they
- 24 recently got a new fogger that should be more efficient.
- 25 • Council Member Kirk reminded everyone that Youth Council applications were still being accepted up
- 26 until May 31st. Noted that the Youth Council will be holding a Youth Dance on June 7th and that they are
- 27 looking for parent volunteers. Attended the Cache Valley Economic Summit where they discussed the
- 28 things that are unique to the valley. Has taken into consideration the concerns some citizens have
- 29 regarding the turning lane on 300 S and will continue to address those concerns. Thanked Rob and Ryan
- 30 for all their hard work in helping the city transition into the process of collecting its own garbage.
- 31 • Council Members discussed the issues and concerns residents have about the sidewalk plans for 100 E
- 32 and will continue to foster dialogue with the residents in that area and seek solutions for all involved to
- 33 make sure the area will be safe and effective.
- 34 • Council Member Speth stated that there would be CERT training in Smithfield on June 25th if anyone
- 35 wanted to attend.
- 36 • The Council commented on the city’s master plans and making sure they have a process in place to review
- 37 those plans and make changes if necessary.
- 38 • The Council thanked the city staff for all their efforts in making sure the new process of the city collecting
- 39 garbage went off without a hitch. Noted that there were some minor issues but that they were resolved
- 40 quickly.
- 41

42 **Approval of the minutes:**

43
44 **22 MIN. 15 SEC.**

- 45 ➤ **Item No. 1 Approval of the Minutes:** The Providence City Council will consider for approval the
46 minutes of April 17th, 2024 . [\(MINUTES\)](#)

- The council reviewed the minutes from the previous meeting. A motion was made to approve the minutes as presented.

Motion to approve the minutes of April 17th, 2024. – Council Member Kirk. 2nd – Council Member Speth.

Vote:

Yea- Council Members Kunz, Kirk, Sealy, Speth & Nebeker

Nay-

Abstained-

Absent-

Motion passes, minutes approved.

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 comments.
- The public commented on the issues regarding plans for 1st East and if the Council would consider it for a future agenda item where residents could express their views and concerns.
- The public noted issues and safety concerns with residents using the disc golf course park for picnics and other activities that put them in danger of being hit by frisbees. Also noted and asked if the city could be more diligent in making sure the garbage can at the park gets collected.
- A resident expressed concern regarding a recent rock fall up in the Highlands neighborhood and if there was anything that could be done to fix it or at the very least mark the area as unsafe.
- No further comments were made. Mayor Alder closed the public comment portion of the meeting.

Presentations/Public Hearings:

34 MIN. 50 SEC.

➤ **Item No. 2 FYE 2025 Tentative Budget Public Hearing:** The Providence City Council will take comments and questions from the public regarding the City’s FYE 2025 tentative budgets.

- A public hearing was held to discuss the tentative budget for the fiscal year ending 2025. The City Manager provided an overview of budget expectations, adjustments, and anticipated revenues and expenditures.
- The public made comments regarding the city’s fiber project and its funding and growing network as well as the budget process. Council and Staff explained that this was a public hearing and resolution for the tentative budget which would now be open for 30 days for comment and questions from the public with the final budget hearing and resolution being discussed and approved in next months city council meeting.

90
91 **1 HR. 2 MIN. 00 SEC.**

92 ➤ **Item No. 3 PCC 5-4-12 Retaining Wall Regulations Public Hearing:** The Providence City
93 Council will take comments and questions from the public regarding proposed amendments to PCC 5-4-
94 12 which establishes retaining wall regulations.

- 95
- 96 • A public hearing was conducted to discuss amendments to PCC 5-4-12 which would establish new
- 97 retaining wall regulations.
- 98 • Residents asked if the new amendments would apply to current ongoing construction with plans
- 99 already in place and if these amendments would resolve any current issues or events that have
- 100 taken place regarding walls that have come down.
- 101 • Staff instruct that building permits that have already been issued will adhere to the current code
- 102 and any future permits issued, if this resolution is approved tonight, would be subject to the new
- 103 amendments.
- 104

105 **Résolutions/Ordinances:**

106
107 **1 HR. 19 MIN. 10 SEC.**

108 ➤ **Item No. 4 Resolution 06-2024 Appointment of Julie Martin to the Planning Commission:** The
109 Providence City Council will review, discuss, and may take action on a resolution that appoints Julie
110 Martin to the Planning Commission. **(RES. 06-2024)**

- 111
- 112 • Julie Martin was considered for appointment to the Planning Commission. After discussing
- 113 her background and qualifications, a motion was put forth.
- 114

115 **Motion to appoint Julie Marting to the Planning Commission. – Council Member Kirk. 2nd –**
116 **Council Member Sealy.**

117 **Vote:**

118 **Yea- Council Members Kunz, Kirk, Sealy, Speth & Nebeker**

119 **Nay-**

120 **Abstained-**

121 **Absent-**

122

123 **Motion passes. Julie Martin is appointed as a new alternate member of the Planning Commission.**

124

125
126 **1 HR. 23 MIN. 25 SEC.**

127 ➤ **Item No. 5 Resolution 09-2024 Appointment of Karen Brooks to the Historic Preservation**
128 **Commission:** The Providence City Council will review, discuss, and may take action on a resolution that
129 appoints Karen Brooks to the Historic Preservation Commission. **(RES. 09-2024)**

- 130
- 131 • The Council discussed the appointment of Karen Brooks to the Historic Preservation
- 132 Commission, emphasizing her connection to city history. After Brooks addressed the Council
- 133 and expressed her intentions to preserve the city's legacy, a motion was made.

Motion to appoint Karen Brooks to the Historic Preservation Commission. – Council Member Speth. 2nd – Council Member Nebeker.

Vote:

Yea- Council Members Kunz, Kirk, Sealy, Speth & Nebeker

Nay-

Abstained-

Absent-

Motion passes. Karen Brooks is appointed as a new member of the Historic Preservation Commission.

1 HR. 30 MIN 00 SEC.

➤ **Item No. 6 Ordinance 09-2024 Champlain LLC Rezone:** The Providence City Council will consider for adoption an ordinance approving the partial rezone of parcel 03-002-0007 located in the general area of 500 S 600 W Providence UT. Request seeks to rezone part of the parcel from CHD to R-1-6. [\(ORDIN. 09-2024\)](#) [\(EXHIBIT\)](#) [\(A. WALKER LTR.\)](#) [\(CONCEPT PLAN\)](#)

- The Council considered a rezone request from Champlain LLC, which was to change part of a parcel from Commercial Highway District to R-1-6. The Planning Commission had recommended against the rezone. After discussion and public comment, the initial motion made to approve the rezone did not receive a second, effectively causing the proposal to fail.

2 HR. 17 MIN. 20 SEC.

➤ **Item No. 7 Ordinance 08-2024 Amendments to PCC 5-4-12 Retaining Walls & 1-3-2 Definitions.** The Providence City Council will consider for adoption an ordinance approving amendments to PCC 5-4-12 & 1-3-2 which establishes with retaining wall regulations and the accompanying definitions. [\(ORDIN. 08-2024\)](#)

- Council Member Speth motioned to approve Ordinance 08-2024. Seconded by Council Member Kunz.
- Amendments were proposed for PCC 5-4-12 related to retaining walls and definitions in accordance with the Planning Commission's recommendations and staff report.
- The Council deliberated on the necessity of the regulations and addressed concerns related to visual aesthetics and safety measures associated with the construction of retaining walls.
- The Planning Commission Chair and members of the community expressed concerns and recommendations.
- An amended motion was made after clarifying potential overreach and ensuring public safety standards.

Motion to approve Ordinance 08-2024 Amendments to PCC 5-4-12 Retaining Walls & 1-3-2 Definitions with the following corrections: Strike lines 69-71 with the inclusion of a period on line

176 **68 after the word ‘conditions’ and removal of the drawing after line 71. – Council Member Speth.**
177 **2nd- Council Member Kunz.**

178 **Vote:**

179 **Yea- Council Members Kunz, Kirk, Sealy, Speth & Nebeker**

180 **Nay-**

181 **Abstained-**

182 **Absent-**

183
184 **Motion passes. Amendments with stated recommendations will be incorporated into the City code.**

185
186 **3 HR. 3 MIN 00 SEC.**

187 ➤ **Item No. 8 Ordinance 10-2024 - PCC 10-8-6 Amendments- Parking Regulations.:** The
188 Providence City Council will review, discuss, and may approve an ordinance that makes amendments to
189 city code 10-8-6 which governs parking regulations. ([ORDIN. 10-2024](#))

- 190
- 191 • Ryan Snow gave a quick overview of the requested amendments.
- 192 • The Council discussed amendments to PCC 10-8-6 regarding parking regulations, considering
- 193 the recommendations from the Planning Commission. Clarifications were requested regarding
- 194 required parking spaces and defining ADUs and single-family homes.
- 195 • The Council discussed other city codes regarding parking and the State code regarding how
- 196 residents and renters are defined as family relatives and non-family relatives. Parties commented
- 197 on the different interpretations of the State code.
- 198 • Amendments were made for precision and clarity before a motion was proposed.
- 199

200 **Motion to approve Ordinance 10-2024 PCC 10-8-6 Amendments to parking regulations with the**
201 **following corrections: On line 16 the wording shall now include ‘1 space per licensed driver’. –**
202 **Council Member Kirk. 2nd- Council Member Sealy.**

203 **Vote:**

204 **Yea- Council Members Kunz, Kirk, Sealy, Speth & Nebeker**

205 **Nay-**

206 **Abstained-**

207 **Absent-**

208
209 **Motion passes. Amendments with stated recommendations will be incorporated into the City code.**

210
211 **3 HR. 11 Min. 40 SEC.**

212 ➤ **Item No. 9 Ordinance 11-2024 PCC Amendments Regarding the Use & Construction of**
213 **ADU’s, IADUs & Structures.** The Providence City Council will consider for adoption an ordinance
214 approving amendments to the city code that regulates ADU’s, IADU’s and Structures. ([ORDIN. 11-](#)
215 [2024](#))

- 216
- 217 • Ryan Snow gave a quick overview of the requested amendments.

- Council Member Speth motioned to approve ordinance 11-2024. Seconded by Council Member Sealy.
- Amendments to the code concerning accessory dwelling units (ADUs), internal ADUs (IADUs), and related structures were presented and discussed. The Planning Commission had unanimously recommended approving the amendments.
- The Council noted minor corrections which included: Updating the graphics to include what was requested at the last meeting, which was to include descriptions. Line 20 the work ‘my’ should be ‘may’. Line 61 of part two should include the word ‘with’. Line 81 of part 2 the word ‘of’ should be ‘or’. Line 193 of part two the word ‘swelling’ should be ‘dwelling’.
- The council discussed the 100\$ reporting incentive for those residents who reported to the city that they had an ADU or IADU.
- Council Member Speth put forth an amended motion per Councils discussion regarding the needed corrections, updates and putting a 2 year sunset on the 100\$ incentive.

Motion to approve Ordinance 11-2024 PCC Amendments regarding the Use and Construction of ADU’s, IADU’s & Structures with the previously stated corrections and update to the graphics as discussed. – Council Member Speth. 2nd – Council Member Sealy.

Vote:

Yea- Council Members Kunz, Kirk, Sealy, Speth & Nebeker

Nay-

Abstained-

Absent-

Motion passes. Amendments with stated recommendations will be incorporated into the City code.

3 HR. 25 MIN 20 SEC.

➤ **Item No. 10 Resolution 05-2024 FYE 2025 Tentative Budgets:** The Providence City Council will consider for adoption a resolution approving the FYE 2025 Tentative Budgets for all funds. **(RES 05-2024 W. BUDGET)**

- The Council reviewed and discussed the fiscal year ending 2025 tentative budgets. A motion was made to accept the tentative budgets as a preliminary step, acknowledging more discussions and a final review would take place in a subsequent session with some Council members addressing the importance of staff and elected official salaries being discussed with the public.

Motion to approve Resolution 05-2024 FYE 2025 Tentative Budget. – Council Member Kirk, 2nd – Council Member Kunz.

Vote:

Yea- Council Members Kunz, Kirk, Sealy, Speth & Nebeker

Nay-

Abstained-

Absent-

260
261 **Motion passes. Tentative budget approved. Final budget to be approved in June.**
262

263 **Agreements, Contracts, Bid Awards:**
264

265 **3 HR. 34 MIN 20 SEC.**

- 266 ➤ **Item No. 11 Updated Agreement with Strata Networks:** The Providence City Council will review,
267 discuss, and may take action on an updated agreement with Strata Networks. **(CHANGE ORDER)**

- 268 • An extensive discussion occurred regarding the updated agreement with Strata Networks.
269 The agreement represented a change order to the construction agreement for fiber optic
270 communication network installation throughout the city.
- 271 • The Council deliberated on contract compliance, costs, credits, and the project's completion
272 with input from a Strata representative and the City Manager; ultimately deciding to approve
273 the additional cost and extend the project deadline with the approval of the new wording of
274 the summary and description presented by Council Member Sealy by motion with the
275 agreement that both parties attorneys will review the updated terms and allow for approval by
276 the City Manager and Mayor so long as parties attorneys initially approve.

277 **Motion to approve a lump sum addition of \$150,000 for the Contractor to complete the additional**
278 **work required to fulfill the fiber construction agreement so long as the Change order includes the**
279 **following modifications:**

- 280 1) **The Summary is to be entirely replaced and amended to reflect the City's agreement that**
281 **additional work is required to fulfill the construction of the fiber project.**
- 282 2) **The Summary is to reflect the City's agreement to disagree with the Contractor's proposed**
283 **definition of a serviceable location for the Project. Nevertheless, the City agrees to increase the**
284 **scope of work and the Contractor is entitled to payment for the increase.**
- 285 3) **The Summary is to reflect that Parties agree to extend the window for final drops and installs to**
286 **be completed prior to June 14th, 2024, on all drop and install orders that are received prior to**
287 **the Agreements final completion date of May 17th, 2024.**
- 288 4) **The Description is replaced entirely and amended to reflect that the details in the table for the**
289 **cost and build schedule represent the Contractor's understanding of the Change Order No. 1.**
290 **Nevertheless, the City agrees to an additional lump sum subtotal of \$150,000 to complete the**
291 **Project.**
- 292 5) **The Description maintains the final paragraph indicating that the remaining Project scope**
293 **includes construction and installation for Gateway and Vineyard (currently completed or under**
294 **construction.) – Council Member Sealy. 2nd- Council Member Kirk.**

295 **Vote:**

296 **Yea- Council Members Kunz, Kirk, Sealy, Speth & Nebeker**

297 **Nay-**

298 **Abstained-**

299 **Absent-**
300

301 **Motion passes. Updated change order to be sent to attorneys for vetting and approval.**
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Plans and Other Business:

4 HR. 39 MIN. 10 SEC.

➤ **Item No. 12 Municipal Wastewater Planning Program Annual Report:** The Providence City Council will review, discuss, and may take action on the 2023-year end Municipal Wastewater Planning Program Report. **(REPORT)**

- The Council briefly received details on the annual wastewater planning report, which showed the wastewater system's status within the city. The Council's approval was sought for the systematic updates and progress in this department.

Motion to accept the Municipal Wastewater Planning Program Annual Report. – Council Member Nebeker. 2nd – Council Member Sealy.

Vote:
Yea- Council Members Kunz, Kirk, Sealy, Speth & Nebeker
Nay-
Abstained-
Absent-

Motion passes, Report approved.

Study Items:

4 HR. 42 MIN 00 SEC.

➤ **Item No. 13 PCC 3-12 Home-Based Micro School and Micro-Education Entity Code Introduction:** The Providence City Council will review and discuss new code regarding home-based micro schools and micro-education entities. **(CODE REVIEW)**

- A proposal to introduce the home-based micro school and micro-education entity code was discussed. Due to new state code adjustments which governed or directed most of this code, the council debated on timing for enacting the city's terms and if item could or should be tabled.
- Staff indicated that this should be reviewed sooner rather than later as there has been some interest from some residents.
- Parties discussed possible issues or concerns if this item is put off.

Motion to move forward with holding a public hearing as soon as reasonably possible and as future agendas permit. – Council Member Kirk. 2nd – Council Member Sealy.

Vote:
Yea- Council Members Kunz, Kirk, Sealy, Speth & Nebeker
Nay-
Abstained-
Absent-

347
348 **Motion passes, public hearing to be set when permitting.**
349

350 **4 HR. 42 MIN 00 SEC.**

351 ➤ **Item No. 14 Short Term Rentals Code Amendment Review:** The Providence City Council will
352 review, study, and discuss code amendments regulating short term rentals. **(CODE REVIEW)**
353

- 354 • Discussion on the short-term rental code amendments suggested deliberating further at a later date,
355 given the minimal urgency and impact. It was recommended to revisit this code amendment when
356 there would be time to accommodate detailed dialogue and decision-making.

357
358 **Motion to move this item to a public hearing when time permits and at the discretion of the Mayor.**

359 **Vote:**

360 **Yea- Council Members Kunz, Kirk, Sealy, Speth & Nebeker**

361 **Nay-**

362 **Abstained-**

363 **Absent-**
364

365 **Motion passes, public hearing to be set at the request and discretion of the Mayor.**
366
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368 **Staff Reports:** Items presented by Providence City Staff (including but not limited to: Public Works Director,
369 Community Services Director, City Recorder, and City Manager) will be presented as information only.
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- 371 • Due to time constraints staff reports were not called. Staff reported to the council that if they had
372 any questions or concerns to reach out to them whenever they needed.
- 373 • The parties discussed next month’s City Council meeting and the issue of a few Council Members
374 not being able to possibly make the meeting. The parties agreed to hold the meeting on Wednesday
375 June 19th, as it was originally set for June 26th, and move the Juneteenth holiday from that
376 Wednesday to Monday the 17th.
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379 Next City Council Meeting to be held June 19th @ 6:00 pm.
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382 City Council minutes approved by vote of Council on _____ day of _____ 2024.
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