

PROVIDENCE CITY COUNCIL MEETING MINUTES

Wednesday August 21st, 2024, 6:00 PM

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

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

*A few technical difficulties were experienced at the very start of the meeting.

HR. MIN. SEC. above agenda items are timestamps of the YouTube recording.

Opening Ceremony:

Call to Order: Mayor Alder

Roll Call of City Council Members: Mayor Alder, Council Member Kunz, Sealy, Speth & Nebeker

Excused: Council Member Kirk

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

Pledge of Allegiance: Council Member Sealy

Opening Remarks/Prayer: Council Member Kunz

3 MIN. 05 SEC.

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

- **Report by Council Member Sealy**

Council Member Sealy reported participation in a broadband meeting, a legislative policy committee, and Sauerkraut Days. Key areas of focus for the legislative session mentioned included standardized parking requirements and potential density up-zoning. She thanked the committee members and community participants for the successful city celebration held over the weekend.

- **Report by Council Member Speth**

Council Member Speth reported attending a meeting with key emergency preparedness individuals discussing household emergency preparation as primary need and how those emergencies may differ from city emergencies and what the city should focus on. Informed that the Historic Preservation Commission was working on plaques and had helped with the city festival by doing their historical tours around the city.

- **Report by Council Member Kunz**

Council Member Kunz gave updates on Mosquito Abatement, including a recent truck accident. They are making preparations for an upcoming public hearing on a potential tax increase for the department which hasn't had an increase in over 15 years. Also mentioned that there was a significant decrease in mosquitoes this year. Reported on a planned day of service in September with various projects on the way but reported difficulties in setting up volunteer projects on the website.

46 • **Report by Council Member Nebeker**

47 Council Member Nebeker noted that he was unable to attend some of the Sauerkraut Days events and
48 expressed intention to participate more next year. Highlighted concerns received over the rezone proposal
49 that will be discussed tonight. Expressed his concerns about safety issues surrounding the rezone request.
50

51 • **Report by Mayor Alder**

52 Mayor Alder updated the council on various activities over the past month, such as her participation in the
53 Utah League of Cities and Towns, meeting with a new company, Epiroc, which is looking to have a
54 location here in Providence. Reported on the State Conservation Board which she is head of and the overall
55 economic activities taking place in the community and in the state.
56

57 **Approval of the minutes:**

- 58
- 59 ➤ **Item No. 1 Approval of the Minutes:** The Providence City Council will consider for approval the
60 minutes of July 17th, 2024. [\(MINUTES\)](#)

- 61
- 62 • Mayor Alder called for the approval of the minutes of July 17th, 2024.
 - 63 • No corrections were made or stated.

64

65 **Motion to approve the minutes of July 17th, 2024. – Council Member Speth. 2nd – Council Member**
66 **Sealy.**

67 **Vote:**

68 **Yea- Council Member Kunz, Sealy, Speth & Nebeker**

69 **Nay-**

70 **Abstained-**

71 **Absent- Council Member Kirk**

72

73 **Motion passes, minutes approved.**

74

75 **16 MIN. 10 SEC.**

76 **Public Comments:** Citizens may express their views to the City Council on issues within the City's jurisdiction.
77 The City Council accepts comments: by email providencecityutah@gmail.com, and by text 435-752-9441.
78

- 79 • Mayor Alder opened the floor of public comment.
- 80 • Steve Hobbs expressed concern regarding a persistent water drainage issue from a neighbor's property
81 affecting his son's residence and killing trees. Steve also raised issues of canyon littering and damage from
82 shooting activities, and garbage can damage by city collection services.
- 83 • No further comments were made, Mayor Alder closed the public comment portion of the meeting.

Presentations/Public Hearings:

22 MIN. 50 SEC.

- **Item No. 2 County Report by Kathryn Beus:** The Providence City Council will hear a report from the County presented by Kathryn Beus.

Cache County Council representative Kathryn Beus presented the council with updates, including:

- Efforts on the Elkhorn Ranch Conservation Project and the County's use of conservation funds.
- Presented County-wide RAPZ tax initiatives and provided tips on successful RAPZ proposal presentations or applications. Noted a possible future study for indoor recreation centers for Cache Valley. Possibly one in the north end and another in the south end.
- Updates and proposed changes for the Cache Fire District Board which involved all cities in the valley excluding Logan which she knows Providence city contracts with. Parties discussed end goals or purpose of the Fire District and how it could affect the city. Noted that it would be or is a taxing entity. Stated the makeup of the board which would include 3 representatives from the north and 3 from the south. Questions regarding public benefits and infrastructure concerns were addressed.
- Ms. Beus provided insights on ongoing budget processes in the county and general overall news.
- Kathryn welcomed feedback and questions from council members over these topics and affirmed the intention is to enhance partnerships and regular communication.

48 MIN. 00 SEC.

- **Item No. 3 Sauerkraut Days Report:** The Providence City Council will hear a report from the City Celebration Committee regarding last weeks Sauerkraut Days.

Nicole Bone and Ashley Poole reported on citizen participation, feedback, improvements, and highlights from sauerkraut days. They detailed the various activities held, participation numbers, and community engagement. They also acknowledged the hard work of volunteers, committee members, and city employees, especially highlighting those who significantly contributed to the event's success.

- Noted that the Find the Can event was very successful and seems to be a big hit every year. Reported that having morning and evening clues seemed to work best as it allowed more to be involved.
- Commented that having a more condensed schedule of events seemed to work out better than spreading the events out over a handful of days.
- Events from the fun run to the pickleball tournament, to movie in the park, the pancake breakfast, the historical tour, the baseball game, high fitness class, the evening sauerkraut dinner etc. were all a great success with lots of participation.
- Reported that the parade was a big success as well and having the oldest living residents in the parade was a great addition.
- The participation of city staff and residents, and community involvement were well-received. The efforts and involvement of city council members and staff were commended.

- Discussed suggestions and minor changes for next year's activities with a possible skate tournament with the new skate park.
- Parties thanked each other for all their help and participation in this year's event.

Resolutions/Ordinances:

1 HR. 26 MIN 15 SEC.

- **Item No. 4 Ordinance 16-2024: Rezone of parcels 02-103-0001 & 02-103-0002:** The Providence City Council will review, discuss and may take action on an ordinance that rezones parcels 02-103-0001 and 02-103-0002, located in the general area of 413 E 300 N here in Providence from AGR to R-1-12. **(ORDINANCE) & (ANALYSIS)**

- Mayor Alder opened a detailed discussion and consideration on the rezone proposal and introduced the issue with staff presenting the background on the zoning request from the project's planner Jody Robins. Mayor opened the floor for brief public comments regarding the rezone request.
- The majority of public comments showed concern regarding increased heavy traffic potential on local infrastructure and pedestrian safety around this area. Public highlighted infrastructure inadequacies already verified problematic on 400 East.
- Various written and voiced perspectives read on the record by the city recorder opposed further rezone due to critical infrastructure concerns, safety for their kids and keeping open space for the city.
- The developer responded indicating plans and commitment to improve infrastructure while respecting council directives on walkway, roads, sidewalks and general plan adherence, which called for R-1-12
- The parties discussed extensively the importance of safe passage, adequate infrastructure, prioritization of resolving road issues, future planning, and integrating these within city guidelines and regulations.
- Parties discussed the developers current application to amend the general plan that if approved would allow for cul-de-sac for this area instead of a connected street.
- Parties commented on the possible or future connection to the Homes on the Knolls subdivision which was the subdivision located west of this area.
- Jody Robbins, the developer, noted reasons for the requested rezone for the parcels from agriculture to R-1-12. There was a lengthy discussion among the council members, the developer and the public attendees concerning the implications of the rezone, particularly regarding road improvements, safety, and traffic flow. The consideration of the general plan was a significant point of discussion. Parties noted that this rezone request fit with what the general plan was proposing.

Motion to approve the rezoning of parcels 02-103-0001 & 02-103-0002 from Agriculture to R-1-12 with the condition that the developer pulls his application to amend the general plan so that there is a connection through this future subdivision. – Council Member Speth. 2nd – Council Member Kunz.

Vote:

Yea- Council Members Kunz & Speth. Mayor Alder*

Nay- Council Members Sealy & Nebeker

Abstained-

Absent- Council Member Kirk

***Tie votes are determined by the Mayors vote which is allowed in the case of a tie vote.**

Motion passes, parcels rezoned from agricultural to R-1-12. Developer to pull general plan amendment application.

Motion to extend meeting. – Council Member Sealy. 2nd – Council Member Speth. Vote:

Yea- Council Members Kunz, Sealy & Speth

Nay- Council Members Nebeker

Abstained-

Absent- Council Member Kirk

Motion passes, meeting extended.

Study Items:

3 HR. 52 MIN 40 SEC.

- **Item No. 5 Amendments to PCC 1-4-1 Sentencing & 1-4-2 Offenses Designated; Classified:** The Providence City Council will study a request from staff to amend City Code 1-4-1 & 1-4-2. **(CURRENT CODE)** & **(ANALYSIS)**

- Mayor Alder called item 5 and asked Ms. Bankhead to give an overview of the amendments.
- Ms. Bankhead provided the reasons for the amendments which included:
 - Clarifying ambiguity between dealing or citing infractions and misdemeanors. Expands the city's authority to issue citations based on the Shared Master Offense Table.
 - Enabling the city to directly issue infraction citations by a code compliance officer versus always having to get the County Sheriffs involved.
 - Noted that this is just a study item and that the next step would be to move this to a public hearing.
 - Overall, the amendment aimed to align city ordinances with state codes and further empower code compliance officers to issue citations to improve regulatory enforcement.
- The council discussed the changes and the impact on city operations.

Motion to move this item to a public hearing. – Council Member Nebeker. 2nd- Council Member Sealy. Vote:

Yea- Council Member Kunz, Sealy, Speth & Nebeker

Nay-

Abstained-

Absent- Council Member Kirk

Motion passes, item to be set for a public hearing in September.

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

- Rob Stapley reported catching up on backlogs of routine maintenance. Rob reported reaching a 1000-foot depth on the city's new well, anticipating further assessments and preparation for future development needs.
- Scarlett Bankhead noted continuous efforts in code compliance, and cited improvement signs within the community, especially in response and participation from residents.
- Ty Cameron informed that the hiring process for a new judge was underway.
- Ryan Snow summarized ongoing development grants applications, successful coordination on current and future projects and the current progress of the Skatepark. Thanked the team for their efforts at the Sauerkraut Days and all those who helped.

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

Vote:

Yea- Council Member Kunz, Sealy, Speth & Nebeker

Nay-

Abstained-

Absent- Council Member Kirk

Motion passes, meeting adjourned.

Next meeting to be held on September 18th @ 6:00 PM.

Minutes approved by vote of Council on ____ day of _____ 2024.

I swear that these minutes are true and accurate to the best of my knowledge.

Ty Cameron, City Recorder.

Emailed Comments

Message: Neil Larsen, 280 N 400 E My email is to address the Rezone of parcels 02-103-0001 & 02-103-0002 on tonight's CC agenda and urge you to oppose it. As a 25 year resident, I have watched incredible growth in the north east section of this great city, especially in the last 5 years. s As developers have proposed and council has approved hundreds of new homes bringing a thousand new residents, I am struck by lack of new park

City Council Minutes 8-21-24

infrastructure developed by the City. The Findings of Fact from city staff state “The Parks, Open Space, & Urban Trails plan show this area is within the 1-mile service area of one regional park, Von Baer Park; two neighborhood parks, Uptown and Braegger; and two local parks, Cattle Corral and Jay’s Well. There are no proposed trails for this area.” In fact, several of these parks are not within 1 mile of the parcels. Second, these are the same parks that are mentioned to support each new development, despite the rapidly growing population. Also, with no proposed trails for the area, the proposal does not address Providence’s Master Plan, asking for “a well-connected trail and pathway network to enhance the recreational opportunities in Providence; that ensures as many residents as possible have a trail or pathway within 0.25 miles of their residence.” Please oppose the rezone until issues surrounding the lack of parks/trails/pathways to accommodate new developments and residents are addressed. Thank you for your consideration

Message: Mimi Recker, 280 N 400 E I want to start by thinking all the members of the city council and the mayor for their service. I appreciate the time and effort you give to making Providence a great place to live. I have lived in this community for over 25 years and, like many of us, am struck by the incredible change in this time from a small rural farm town to the bedroom community it is today. Like all of you, I want to make sure this continued growth is managed in sustainable ways. I want to address the Rezone of parcels 02-103-0001 & 02-103-0002 on tonight’s CC agenda and urge you to oppose it. I have many reasons why this rezone should be opposed and tonight I will focus on one: the impact of the proposed subdivision and terms of transportation. I made similar remarks at the planning commission meeting two weeks ago and several members were swayed by my comments from the several members of the public who spoke out against the rezone. So I will repeat mine here. The providence transportation plan shows 400 E as becoming a minor collector road if this area were to be developed. To the south of this land, the collector road on 400 E goes from 300 N to Center Street. Last year, 400 E was improved from Center Street to 200 N. That project, 2 city blocks, took 9 months! And to this day, there are still no paint marking on the street, no curb and gutter, and no sidewalks. That, to me, does not classify it as a minor collect road. Without sidewalks on a busy street, there is certainly no bikeability or walkability, as called for in the Providence general plan. Currently, 400 E (from 200 N to 300 N) is an unimproved road. It is 20 ft wide at best, no curb and gutter and certainly no sidewalks! It is also on a steep slope. To make the necessary improvements would require significant engineering because of the slope angle, requiring retaining walls, and redoing all the residents’ driveways as they would become too steep. I urge you to come take a look! There is no way that the road, as it currently is, could handle the expected 600 cars/day increase in traffic that this development would bring. Now I think the developers recognized this problem and instead, in preliminary drawings, are proposing cul-de-sacs. They will be requesting an amendment to the general plan for this but that is a matter for another day. Never mind that cul-de-sacs for some many reasons are bad city planning and are contrary to the City’s transportation Master Plan. In their request, the developers praise cul-de-sacs are bringing harmony but really, they just want to avoid the headaches that is the substandard state of 400 E. Because if cul-de-sacs are approved, 400E would no longer need to be classified as a minor collector road. Problem solved! Thus I urge you to oppose this rezone of the parcels until necessary improvements are made on 400 E. to handle this substantial increase in traffic as a minor collector road. The road will need to widened substantially, will need curb and gutter, and certainly sidewalks as this is an area not serviced by school busses. I shudder to imagine kids walking to school along this street without sidewalks with the increased traffic. The steep slope will also need to be addressed to insure current residents don’t need to build elevators to get cars into their garages. Please oppose the rezone until these substantial issues are addressed. Thank you Mimi Recker

Laura Lindquist I urge the city council to be deliberate and thoughtful in their planning concerning the rezoning of the parcel.

Let me share a personal story: my son is an energetic and imaginative boy, full of life. He can walk, bike, scooter, or rollerblade for hours and still have enough energy to playfully annoy his younger sister. He is not only active but also a source of joy for our family with his striking red hair and boundless enthusiasm. However, our limited sidewalk options pose a serious safety concern. There is no safe route to Providence Elementary School for him to walk or scooter, and we are outside the bus route area, which leaves us with only walking as an option. One day, while he was on his scooter, a car sped down the road, narrowly missing him on a stretch where there were no sidewalks. The incident was terrifying for him, and it left both my husband and me deeply shaken for days.

Unfortunately, this isn't an isolated incident but a recurring issue due to unfinished roads, inadequate sidewalks, and poor planning. This safety concern was something I reflected on when completing the recent survey on Providence's mental health. I urge the council to address these infrastructure shortcomings before a tragedy occurs. We need proactive measures to ensure the safety and well-being of our community.

Dear Members of the Providence City Council,

I am writing to strongly oppose the proposed **rezoning of parcels 02-103-0001 and 02-103-0002**. As I've looked over the city general plan and the parcels under consideration for rezoning I am even more convinced that this rezoning would be a mistake. I have some excerpts from Providence's General Plan and how rezoning would be contrary to that plan.

- **"SENSE OF PLACE.** Preserve the 'sense of place' by identifying characteristics that define Providence as a unique place"
 - This is the first priority on the General Plan.
 - Providence has long been a mix of agricultural land and small residential areas. The neighborhood of 400 E north of 200 N has been in tune with that vision since 1899. The rezoning of the mentioned parcels will redefine this neighborhood and encourage further development of the scarce agricultural lands in Providence.
 - Agricultural land ties us to history and nature. It's land that is being worked for the good of the community.
 - It helps us feel at ease. The residents of Providence frequently take advantage of the beauty and serenity of watching the sunset beyond sprinklers watering green fields of long grass.
 - Once the agricultural lands have been rezoned, we can never get them back. We can never get that legacy back.
- **"GREEN INFRASTRUCTURE.** Make decisions regarding storm water and exterior water use guided by green infrastructure and low impact development best management practices."
 - Our past residents never had to worry about being "green" because agriculture is inherently doing what is best for the earth. When we lose our agriculture it becomes more difficult to be "green."
- **"FISCAL RESPONSIBILITY.** Consider life-cycle costs in mind when making decisions for design standards (such as road widths) and new capital improvement projects."
 - The cost of upgrading the road to modern standards (sidewalks, widening the road, burying the power lines) will be extremely expensive for the city. It cannot be ignored and will be a safety

issue if rezoning happens. We can look at the cost of upgrading 400 E south of 100 N as an example (and it's still not fixed).

- "A **MULTI-MODAL CITY**. Ensure that transportation and recreation facilities accommodate a variety of transportation modes (biking, walking, driving) to provide people multi-modal transportation options as a lifestyle and recreation choice."
 - There are many who use this section of 400 E as a "recreation choice." Many residents take family walks or walk their little dogs down the center of the street and stop to take pictures of the sunset or family photos by the barn. For some, this is the only exercise that they do.

I could go on, but it really comes down to the fact that this mixed use area of 400 E is a treasure in Providence and it will be lost with the rezone of these parcels. Please join me in opposing this rezoning and preserve the identity of Providence.

Sincerely,

Scott Booth

Dear Members of the Providence City Council,

I am writing to strongly oppose the proposed **rezoning of parcels 02-103-0001 and 02-103-0002**. My opposition stems from several critical concerns, the most urgent of which is the safety of both current and future residents who will be forced to navigate 400 East.

It is deeply concerning that Providence City has no plans to improve 400 East before rezoning these parcels and allowing the construction of dozens of new homes on the north end. As it currently stands, 400 East between 200 North and 300 North is barely wide enough for two vehicles to pass safely. The absence of gutters, sidewalks, or road striping only compounds the danger, making it hazardous for both vehicles and pedestrians. While the current traffic flow of approximately 12 cars per day may not present significant safety risks, the situation will drastically change with the rezoning and subsequent development of these parcels.

The surge in traffic that will accompany the new development will overwhelm this narrow road, putting both drivers and pedestrians at serious risk. The city's decision to consider rezoning without first addressing this necessary issue is shortsighted and potentially dangerous. This oversight not only jeopardizes the safety of the established residents but also places the burden of inadequate infrastructure on future residents who will have no choice but to travel on this road.

Providence City must prioritize the safety of its residents by ensuring that the entire length of 400 East is adequately equipped to handle the increased traffic before any more development is approved. This means widening the road and adding sidewalks, gutters, and appropriate road markings to manage the safe passage of both vehicular and pedestrian traffic. The safety of our community should be the City's utmost priority, and failing to address these infrastructure needs puts lives at unnecessary risk.

I urge you to oppose the proposed rezoning of these parcels because of the safety issues. The safety of our community should not be compromised for the sake of development! I trust that the Providence City Council will take the responsible course of action and prioritize the well-being of its residents.

Thank you for your attention to this critical issue.

Sincerely,
Shannon Booth

Debbie Martineau 230 North 400 East Providence, Utah 84332 (435) 512-1018 dmartskier@gmail.com August 19, 2024 To Whom It May Concern, I am writing to inform you that I am 100% AGAINST you approving a rezoning change near my home on 400 East. (Parcels 02-103-0001 & 03-103-0002 generally located at 411 E 300 N) The street on 400 East between 200 N and 300 N is a narrow rural street with no improvements. Rezoning would create safety hazards and other adverse effects on this dead end street. Providence City needs to make sure the necessary infrastructure is in place before approving a rezoning change. Immediate Concerns *Width of roadway *No sidewalks, curb and gutters *Power and Utility Poles *Irrigation pipes/ditches As we are all aware, the improvements made on 400 East between Center and 200 North haven't been completely resolved. Please do not approve rezoning changes before improvements on 400 East, Center Street-400 North are made and completed. Sincerely, Debbie Martineau

Dear City Council:

I am an owner and Manager of Baer Acres, LLC. We own approximately 5 acres between 200 and 300 North on 400 East. We are concerned with the rezone primarily due to increased traffic on 400 East that this development will create. The road is narrow and in bad shape. We are not aware of any traffic study that has been done on this road or any indication that the applicant will be required to improve the road as part of its proposed development. At the very least, the City should require the developer to improve the road to accommodate the increased traffic flow and provide an alternate access to the north as required by the Master Plan. If the Master Plan has not been amended, this should be completed before the rezone can be considered.

We have no present plans to change the zoning or develop our property in the foreseeable future, so the City should not expect us to provide any assistance or accommodation to the developers or the City in this regard.

David P. Hirschi
Partner
NCHW LAW