PROVIDENCE CITY COUNCIL MEETING
15 South Main, Providence UT
February 10, 2015 6:00 pm

Call to Order: Mayor Calderwood
Roll Call of City Council Members: Mayor Calderwood
Attendance: B Bagley, Jeff Baldwin, R Call, J Drew, J Russell
Pledge of Allegiance: Josh Harrison, Scout Troop 85

Approval of the minutes

Item No. 1. The Providence City Council will consider approval of the minutes of January 27, 2015 City Council meeting.

Motion to approve the minutes with the following changes: J Russell, second – J Baldwin

- Page 2, Line 4 walking tour and pamphlet revamp
- Page 2, Line 24 - second, J Drew
- Page 2, last line – piggybacking power, Verizon increased rent income on tower so shall the city.
- Page 3, Line 29-32 – combine and clarify comment of J Russell
- Page 4, Line 37 – insert word lateral on S Bankhead's comments – Spring Creek laterals are the responsibility of Spring Creek Water Company.
- Page 5, Line 3 – S Bankhead question about runoff from roof, runoff is not water being pumped into a ditch.
- Page 5, Line 21 – Suzie Becker
- Page 5, Line 25 – Alternatives to a pipeline to use reclaimed water for irrigation water. Rather than build a pipeline an arrangement can be made with Hyrum where they keep a portion of Providence reclaimed water in exchange for some of their water out of the Blacksmith.
- Page 6, Line 30 – had been asked by Mayor to draft resolution.
- Page 6, Line 31 Curt not Kurt, Skarlet was in attendance at meeting.
- Add "above" to motion to enter ex session.

Vote: Yea: B Bagley, J Baldwin, R Call J Drew, J Russell
Nay: None
Excused: None
Abstained: None

Item No. 2. The Providence City Council will consider approval of the minutes of January 20, 2015 Joint Council meeting with Hyrum City and Nibley City.

Motion to approve minutes of Nibley joint council meeting of January 20, 2015: B Bagley, second – J Drew

- B Bagley held on Tuesday not Thursday, 2015 throughout document.
- Stephanie Miller's call to order needs time change.
- Page 3 - J Baldwin - Park city should be Summit Park and treatment plant in Jeremy Ranch.
- Page 4 - B Bagley add Eck to Randy's last name.

Vote: Yea: B Bagley, J Baldwin, R Call J Drew, J Russell
Nay: None
Excused: None
Abstained: None

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.

- Chris Checketts – Owner of Custom Countertops. He did not force Providence City to give a commercial building permit. January 13 meeting saw a process that was followed to gain a commercial zoning variance. Questions for the city that he would like on agenda for next meeting: What does the City hope to gain? Who runs the city? Why is fire chief continuing to inspect building? Who added word "shed" to his permit? How many ordinances have been changed over the last six years that affect his business in a negative way? Received letter from "the City" many times over the past years. Would like to know who "the city" is. Distributed copies of tax records that state a change from a secondary building to a commercial building. He comments he makes counter tops and would like to continue to do that. Copy of his notes attached to minutes.

Audit Report: MacRay Curtis, WSRP LLC, reviewed the City of Providence Financial Statements June 30, 2014

- MacRay Curtis CPA firm WSRP, reviewed the audit. Feels like financial reporting is in order. Finances of the city are healthy.
    - First Finding – General fund is in excess of what state law allows. Monies can be transferred to the Capital Projects Fund and needs to show which projects the monies will be used for.
    - Second finding - Utah Public Finance Website – The city is required to submit finances on a quarterly basis.
    - Third finding – Open and Public Meetings Act – law requires the purpose of closed meetings be disclosed and the vote be recorded.

Item No. 1 Resolution 002-2015: The Providence City Council will consider for adoption a resolution appointing Heather Hansen as an alternate member of the Providence City Planning Commission.

Motion to appoint Heather Hansen as an alternate member of Providence City Planning Commission: J Russell, second – J Baldwin

- Mayor commented that he has talked to several people and Heather was gracious enough to accept.
- H Hansen – Providence resident for 17 years. Married 22 years to husband who grew up in Providence, has 5 children. Involved in Planning Commission and city council on issues that have an interest to her such as library being part of county wide library system, recent rezone request and rezone of Baer Welding.
- J Russell asked if she could make the time commitment. Heather felt she could. He commented that at times city council has gone against the recommendations of Planning Commission and asked how she felt about that. She commented that while Planning Commission would like recommendations to be followed, she knows that does not always happen.
- B Bagley asked how she gathered names for the list of residents opposed to the recent rezone. She said when she found out about the proposed rezone she took the initiative to contact neighbors and get signatures. She would like more growth and more commercial businesses, but it needs to be managed. She is inclined to create buffer zones between residential and commercial zones, but does not oppose growth. She comments that she has been somewhat disappointed with Logan's northwest area where there are so many apartment complexes and would like to see more permanent residential.
- H Hansen commented that she homeschools her children, is very good at research, is often consulted for information on getting children in college. She has a considerable amount of

education through life experiences. She is familiar with requirements for homes as far as zoning is concerned. Broad range of education. Her husband is supportive of her being on the Planning Commission.

- J Drew commented that Planning Commission is going through major planning and review of the city. Asked if Heather had any thoughts on the general plan/transportation corridor update.
- J Baldwin commented that he was impressed with her getting neighbors out to oppose the latest rezone petition. He liked that she was proactive in protecting her neighborhood.

Vote: Yea: B Bagley, J Baldwin, R Call J Drew, J Russell
Nay: None
Excused: None
Abstained: None

Mayor commented that 5 of the 6 Planning Commission members live in the same general area and he has a concern about that. He would like to see more candidates outside that geographical area on the Planning Commission.

Item No. 2. CLG Grant Proposal. The Providence City Council will consider a proposal from the Providence City Historic Preservation Commission to apply for a 2015 Certified Local Government (CLG) grant.

- J Russell's reminded the council of how this grant works with the city matching the grant funds.
- C McGrath said she approached Kathleen Alder about using funds from Pioneer Heritage Corporation. Kathleen had reservations about donating funds but said she would talk to her committee about helping with fundraising. Kathleen wanted a say in how the funds were spent. This was a concern for Chalene who felt Historic Preservation Commission is a very much unbiased commission and isn't sure how that would impact their choices for Historic Preservation Commission work.
- J Baldwin felt citizens ought to help out with fund raising. He felt a $1.50 donation from each household would cover costs. Citizens could also do in kind donations. Soliciting funds/services from residents should be the first option. He also felt the University could be used as a resource.
- R Call felt the people who make donations should not be allowed to express bias on funds used. Identify the project, then use funds raised.
- Mayor had questions about using Historical Society funds versus private donations.
- S Bankhead said there isn't a conflict as long as projects are identified. The donations need to come without strings attached. Donations are more difficult to get if there is not a tangible project. If the goal is just to have a history done, then private donations are fine. If the goal is for being on the National Historic Register, then the city is limited to using the people the state says are qualified to do the intensive level surveys.
- C McGrath said the grant has to be applied for by the 13th of February.
- J Russell commented that in the presentation at last meeting there were things talked about that he was unaware of, such as the railroad and some of the commercial buildings that were discussed. He felt it is a worthwhile project and favors applying for the grant.
- H Christensen said the money is allocated and if Providence doesn't' apply for and get the grant, then someone else will.
- C McGrath said the grant money could be used for the proposed intensive level surveys and the donations could be used for the bell project at the elementary school since it doesn't qualify for the grant.
- R Call suggested ways to get the donations.
- B Bagley commented that since these funds are allocated we should take advantage of our own tax monies. He feels the citizens could also be involved with in-kind type of donations.

Motion to approve the proposal for Historic Preservation Commission to apply for the grant with a commitment of $3,000 from the city: J Russell, second – J Baldwin

Vote:	**Yea:**	**B Bagley, J Baldwin, J Drew, J Russell**
	Nay:	**R Call**
	Excused:	**None**
	Abstained:	**None**

Item No. 3. Resolution 003-2015. A resolution approving a land lease agreement with Verizon Wireless (VAW) LLC for a 35-ft x 35-ft parcel located in the city storage yard area adjacent to Alma H Leonhardt park (approximately 310 West 250 North).

Motion to approve Resolution 003-2015 land lease agreement with Verizon wireless: J Baldwin, second – B Bagley

- Nefi Garcia, agent for Verizon Wireless, discussed issues brought up at last meeting with Verizon. Verizon needs a 15 year commitment, after the 15th year the city has a right to disallow them with an 18 month period for them to move out.
- B Bagley said terms need to be cleaned up as well as other language in the draft. How do the taxes get assessed/paid?
- N Garcia said the county assesses the tax. The tax will be paid by the city and then reimbursed by Verizon. Verizon will not have a separate tax number.
- S Bankhead said Verizon will be assessed for personal property.
- B Bagley brought up the possibility of Verizon not being in compliance and being unable to address compliance issues. The coexistence on the pole is not in the lease. Sublease rights need to be included.
- N Garcia said it will be put in there. The main concern was the termination rights.
- R Call said there are two issues that need to be addressed: termination rights and escalation of interest/rent payments.
- J Baldwin had a question about termination if Verizon cannot come into compliance.
- B Bagley said Verizon is under an obligation and has time to come into compliance. However, if they choose not to, they can terminate, but there would be repercussions.
- B Bagley asked about liability insurance. Randy Eck said we have to have insurance on our property, but Verizon has to have insurance for their property. Verizon will have requirements. This is a joint deal with risks and benefits involved for both parties.
- J Russell would like to see the actual verbiage on paper to make sure the issues are resolved before the agreement is signed.
- J Baldwin agrees there needs to be a 5 year renewal, but feels the city needs options at the end of every 5 years. Two years to continue operations if the city orders Verizon to vacate, one year of rent if Verizon leaves the city.
- B Bagley asked why the city would ever want Verizon to vacate.
- R Call felt one reason to want Verizon to leave would be rent escalation concerns in the future, if Verizon does not keep the property clean, possible health concerns that may arise in the future.
- R Eck said the property is destined to be a park, but that corner is a bone yard right now and with a cell tower it would be fenced in and landscaped.
- R Call said he favors the cell tower, but is not comfortable with the agreement as is.
- N Garcia said Verizon needs a 15 year lease, with the city option to terminate after that with an 18 month notice. If Verizon terminates before that, they will pay a one year payment at buyout. He offered $900/month and 10% return inflation.
- J Baldwin - accept the $900/month, accept the 15 year lease, then at the end of that 15 years if

the city wants Verizon out give an 18 month notice (after third term). If Verizon walks between one and 15 years, they pay one year payment and clean/restore the site.

- Health concerns were discussed.
- N Garcia said the federal government has to decide if health issues are a big enough concern to close the tower down.
- R Eck said the tower is 100 feet tall.
- R Call feels the rent rate is still an issue. He would like a price index to set the rates. The rates are adjusted working backwards, not forward and while that works for the first five years, it may be problematic for the next two terms if inflation rates go too high.
- N Garcia said Verizon will not accept an index.
- J Baldwin suggested increasing monthly rent to compensate for loses that may incur. Fifteen years at $1,200/month for the first 5 year term, increasing 10% each 5 year term, 18 month notice at or after 15 years if City does not want to renew contract, and Verizon can leave when they choose with a penalty payment of one years' rent. He felt this was a good deal for the city.

Motion to approve Resolution 003-2015 land lease agreement with Verizon with the following conditions: 15 years at $1,200/month with a 10% increase each 5 year term, guaranteed 15 year lease, 18 month notice at or after 15 years if City does not want to renew contract, and Verizon can leave when they choose with a penalty payment of one years' rent: J Baldwin, second – J Drew

Vote:	**Yea:**	**J Baldwin, J Drew, J Russell**
	Nay:	**R Call, B Bagley**
	Excused:	**None**
	Abstained:	**None**

N Garcia - Verizon will probably do $1,200/month, but they might not agree to the one year termination payment. Verizon needs to be here for 15 years.

Item No. 4. Ordinance 2015-006. The Providence City Council will consider for adoption an ordinance amending Providence City Code Title 5 Police Regulations, Chapter 1 Animal Control Regulations, Section 9 Bees.

Motion to approve Ordinance 2015-006: R Call, second – J Drew

- Bryan Williams, beekeeper, President of Cache Valley Beekeepers Assn., lives in Providence, has licensed business in Providence, keeps bees in back yard. These regulations apply to the small bee keepers – 1 to 10 hives. Providence has good bee keeping regulations. The proposed changes appear to be an attempt to simplify, but he has concerns. State law has requirements that are not being met with the proposed changes. Would like to see:
    - 1. License with state - $10 for up to 50 hives. This helps the state regulate the diseases.
    - 2. Section A – removable frames – feels the type of hive should be clarified more.
    - 3. Section B – all apiaries must be located 20' from property line. Not all properties can do that. Would like to allow addition of "or 6' barrier".
    - 4. Section C - Good neighbor policy – needs a statement about providing a convenient source of water. Bees need water, if it's not provided it could be problematic for neighbors. Limit up to 4 hives.
- J Baldwin - item C wants to make sure the water is supplied. Could pose a problem for neighbors if there is no water source and bees have to go to neighbor's yard. Bees kept in city can very easily become a nuisance, especially for those allergic to bee stings.

Amended motion 2015-006 to add the following: Paragraph A. bee colonies to be kept in hives "with removable frames" keep the rest as is, B – all apiaries to be kept 20' or more from property line, if not 20 feet beekeeper required to maintain 6' barrier or vegetation that necessitates bees fly above it, C - beekeeper ensure an available source of water at all times, follow state regulation for licensing: R Call,

second - J Russell

- J Baldwin has concerns about 4 colonies. Feels it is too many. Would like to see limit of 2 colonies.
- B Williams said bees will travel usually up to 2 miles, in a bad year up to 3. Most honey bees do not sting, 90% of stings usually come from yellow jackets.

Vote:	**Yea:**	**B Bagley, R Call, J Drew, J Russell**
	Nay:	**J Baldwin**
	Excused:	**None**
	Abstained:	**None**

Item No. 5. Resolution 005-2015. The Providence City Council will consider for adoption a resolution adopting the Providence City Sanitary Sewer Management Plan.

Motion to adopt resolution 005-2015: J Baldwin, second – B Bagley

- R Eck – Using Leland Meyer's template, customized to Providence City, serves purpose of what we are required to do. Randy is very comfortable with the plan. This makes us compliant with state regulations.
- J Russell asked about soil and sand management fees. Randy said currently we do not have any. It is handled at the treatment plant, which currently is Logan. "X" means "to be determined.

Vote:	**Yea:**	**B Bagley, J Baldwin, R Call J Drew, J Russell**
	Nay:	**None**
	Excused:	**None**
	Abstained:	**None**

Item No. 6. Resolution 006-2015. The Providence City Council will consider for adoption a resolution accepting the Northern Cache Valley Storm Water Design Standards.

Motion to adopt resolution 006-2015: J Russell, second – R Call

- R Eck – this insures cities are compliant with the state. Gives developer or contractor same standards in all municipalities. Max Pearce, City Engineer who also had input in this plan, feels it makes detention and retention ponds too big, but that concern can be addressed in each city with city engineer.
- J Russell would like to be made aware if there are deviations from this standard.
- R Eck said the majority of ponds in this city would be larger than they currently are if these standards had been in place. He will let the council know when deviations occur.

Vote:	**Yea:**	**B Bagley, J Baldwin, R Call J Drew, J Russell**
	Nay:	**None**
	Excused:	**None**
	Abstained:	**None**

Item No. 7. Resolution 004-2015. The Providence City Council will consider for adoption a resolution approving and agreement with Spring Creek Water Company allowing the City to use its shares during the months of April and October.

Motion to approve Resolution 004-2015: J Baldwin, second – B Bagley

- Mayor said discussion is limited to Council and Acting President of SCWC, Brent Speth.
- B Speth said months of April and October - no exchange can take place if no water is available. When it is available, in order to assist the city in providing water during that time, water can be used out of Broad Hollow Spring in April and October, water that can be used when irrigation is down. In turn, the city needs to put the water to beneficial use, hence the agreement.
- Mayor - SCWC said if the water is available, they want to be able to offer 23% of 16 ½ cfs. They

will offer it to the city.

- B Speth there is a limitation on this. Change applications have to be submitted on the water shares in order to use irrigation water for municipal use, but its 23% of the total *excess*. This gives you allowable use of all water not being used by irrigators but it is not a guarantee of 23% of 16 ½ cfs. It is dependent upon demand of irrigators at that time.
- R Call asked when Spring Creek turns water into the laterals.
- B Speth said generally laterals are not supplied if there is not a need. Shareholders can request water as needed.
- B Bagley asked how excess water is determined.
- R Call said shareholders get the water first, then what is left over is considered excess water and available to the city.
- R Call said this agreement doesn't allow the city to use its 23% for culinary use if there are people using irrigation shares does it, during April and October?
- B Speth said nobody is allowed to water for an extended period of time or have a continuous flow of water. They get the water when it is their turn.
- R Call had a concern about being able to use irrigation water as municipal water for those two months.
- B Speth said a change agreement is needed to convert from irrigation to municipal use.
- Mayor feels this is a good agreement and does not hurt any of the shareholders. It also benefits the city.
- This is a one year agreement.

Vote: Yea: B Bagley, J Baldwin, R Call, J Drew, J Russell
Nay: None
Excused: None
Abstained: None

Staff Reports: Items presented by Providence City Staff will be presented as information only.

- R Eck: Report was emailed.
  - J Drew asked about projects that were prioritized and when capital projects are going to start.
  - S Bankhead said some money was used last year, but not enough. The rest of the money has to be moved before June 30.
  - B Bagley asked about Hampshire Park.
  - R Eck said the pumps, pumping screen apparatus and aerators are purchased, just waiting on the weather to install them.
- S Bankhead: Report was email. Contains invoice register for January 2015. Did not send out deer survey report. Seventy-two responses to survey so far. Reviewed the survey.
  - B Bagley asked about feeding the deer.
  - Mayor would like to get the deer fence fixed first, then add an amendment about feeding the deer.
  - B Bagley asked about late home business license renewal. S Bankhead said there are some who will pay late.

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.

- J Russell - meeting with parks and rec staff Thurs to plan summer programs.

- J Baldwin handed out his rewrite of part of the nuisance ordinance. Did some research of what other cities are doing and restructured the first two thirds of the document. This will be covered at next council meeting.
- R Call – reported on meeting for the car show. It was decided to go forward with the car show and is putting together a committee.
- J Drew – transit district –state code governing transit district as well as CVTD bylaws. Reviewed some of the code. Logan has about half the population in the county that pays taxes, but about 70% of the vote. River Heights, Providence and the County combined get one vote. N Logan is one vote; Smithfield, Richmond, Lewiston and Hyde Park have one combined vote. Logan gets 9 votes. On the Providence, River Heights, County vote, the vote goes in favor of the majority, so Providence really only has 1/3 of a vote. State code requires they employ an internal auditor, they don't. J Drew has a copy of audit done on UTA by State legislative auditor. Issues are the salary issue, state code creates a transit district and CVTD has a mission statement that expands its role beyond what state code defines it. On the transportation tax being discussed, CVDT has approached state legislators for a piece of the pie.
- B Bagley commented that sewer rates published in the paper were misleading.
- Mayor said the information in paper is incomplete. In 2014 Providence paid Logan $531,000 for sewer. Between 2008 and 2012 rates have almost doubled. We need to pursue the inter-local between Providence, Hyrum and Nibley.
    - 24th of February Mayors will go to Salt Lake to meet with Water Quality Control Board to ask for restrictions on the $70 million loan to Logan.
    - Handed out inter-local agreement (draft) with Logan.
    - Went with J Russell on Saturday morning to the state legislature meeting. CVDT are actively pursuing funds.

Council did not go into executive session.

Motion to close meeting: J Baldwin, second – R Call

Vote:	**Yea:**	**B Bagley, J Baldwin, R Call J Drew, J Russell**
	Nay:	**None**
	Excused:	**None**
	Abstained:	**None**

CORPORATE SEAL OF THE CITY OF PROVIDENCE

Don W. Calderwood, Mayor

Skarlet Bankhead, City Recorder

City Council Meeting

February 10, 2015

Please Sign In

Name	City of Residence
WEFI GARCIA	Verizon Wireless - Murray, UT.
Sharell Eames	Providence
Fawn Reed	✓
Brent Smith	Providence
Neil Miller	Providence
Heather Hansen	Providence