PROVIDENCE CITY COUNCIL MEETING MINUTES
December 8, 2015 5:00 p.m.
15 South Main, Providence UT

Call to Order:	Mayor Calderwood
Roll Call of City Council Members:	Mayor Calderwood
Attendance:	B Bagley, Jeff Baldwin, Ralph Call, John Drew, John Russell
Pledge of Allegiance:	Mayor Calderwood

5:00 p.m.
Executive Session Notice:
The Providence City Council may enter into a closed session to discuss pending or reasonably imminent litigation as allowed by Utah Code 52-4-205(1)(c).
The Providence City Council may enter into a closed session to discuss professional competence or other factors allowed by Utah Code 52-4-205(1)(a)
The Providence City Council may enter into a closed session to discuss land acquisition or the sale of real property Utah Code 52-4-205(1) (d) and (e).
Motion to enter into an executive session – R Call, second – J Russell

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

Motion to close executive session: B Bagley, second – J Baldwin

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

Executive session closed at 5:50 pm.

6:00 p.m.
Mayor Calderwood announced that since the council rejected the proposed settlement, this item will not be discussed in tonight's meeting.
Approval of the minutes
Item No. 1. The Providence City Council will consider approval of the minutes of November 12, 2015 City Council meeting.
Motion to approve the minutes of November 12, 2015 with the following corrections: J Baldwin, second – B Bagley

- Page 1, Line 24, 25 - change to she withdrew her consideration.

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

Item No. 2. The Providence City Council will consider approval of the minutes of November 17, 2015 City Council meeting.
Motion to approve the minutes of November 17, 2015 with the following corrections: J Russell, second – J Drew

- Page 2, line 1 – T Anderson – he is available if the council approves the contract
- Page 3, line 52 - Baliffs no apostrophe

Vote:	**Yea:**	**B Bagley, J Baldwin, R Call, J Drew, J Russell**
	Nay:	**None**
	Abstained:	**None**
	Excused:	**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 Daines, attorney for Chris and Sandra Checketts. For the record the proposed settlement was proposed by his clients, Chris and Sandra Checketts. There has been no response to this proposal received and whatever was decided was decided in executive session. The city has neither accepted, rejected or made a counter proposal. On behalf of his clients, he asks the council to reconsider the proposal tonight.
- Mayor Calderwood said the council is not considering the proposal or the settlement, so the case will stay in the court system.
- Keisha Gannell, lives in Providence, requests guard rails be installed on 200 East. She and her husband slid off the road and she understands that others have too. She is willing to start a petition and requests the council to consider guard rails on 200 East.
- Mayor Calderwood said it will be a discussion item in January. He invited K Gannell to attend the January meeting and bring the pictures she has of the accident.

Business Items:

Item No. 1. Proposed Settlement of Pending Litigation: The Providence City Council will consider a proposed settlement of pending litigation Checketts vs. Providence City.

- There is no settlement so this item will not be discussed tonight.

Item No. 2. Discussion: Representatives from CAPSA will discuss the services CAPSA offers.

- James Boyd, representative from CAPSA. He reviewed the services CAPSA provides to Cache Valley. Domestic violence and sexual assault in Utah is higher than any other state, except Alaska. Last year 7 individuals from Providence were sheltered at CAPSA, and approximately 40 people contacted CAPSA crisis line for some type of service. The goal of CAPSA is to end domestic violence. He would like to set up a contract with the city of Providence for financial support. Annual contract amount he is asking for is $1,400, which is about .20/resident.
- J Baldwin asked where primary funding comes from.
- J Boyd said federal grants, which are competitive and need to be reapplied for annually or every 3 years. Fundraiser events provide most of the rest of the funding.
- J Baldwin asked what the process is once someone comes into CAPSA asking for services.
- J Boyd said usually the Sheriff's office is the first contact and then they contact CAPSA. CAPSA works closely with law enforcement.
- J Drew asked how Cache County compares to the rest of the state.
- J Boyd said it is difficult to break the numbers down. Last year CAPSA helped over 700 individuals in this valley, so about 8% of the population. Statistically about 1 in 3 women and 1 in 7 men will experience domestic violence or sexual assault in their lifetime in the state of Utah.
- B Bagley asked why it is high in Utah.
- J Boyd said he isn't sure. According to the National Center for Domestic Violence, the fastest growing crimes in Utah are domestic violence related.
- J Drew asked if the contracts with the local municipalities was a way of funding CAPSA.
- J Boyd said the money will not fund CAPSA, but will give CAPSA many options to provide awareness and services.

Item No. 3. Resolution No. 046-2015: The Providence City Council will consider for adoption a resolution approving an agreement with Todd Anderson, an HR Consultant, for an organization review.

- S Bankhead said T Anderson in an independent consultant the city has worked with for many years.
- Mayor Calderwood briefly reviewed why there is going to be an organization review.

Motion to approve Resolution 046-2015: R Call, second – J Drew

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

Item No. 4. Resolution 045-2015: The Providence City Council will consider for adoption a resolution adopting the 2015 Pre-Disaster Mitigation Plan: Bear River Region.

Motion to approve Resolution 045-2015: J Russell, second – J Drew

- J Drew said he reviewed the plan. It is an inventory type of plan and a good starting point.

- J Russell said the plan has some good mitigation strategies, but he did not get through the entire plan. He asked what restrictions the plan would put on Providence. He has a concern that approving the plan would subject the city to restrictions.
- R Call said he didn't see any type of restrictions and felt it was a clean document.

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

Item No. 5. Ordinance No. 2015-021: The Providence City Council will consider for adoption an ordinance amending Providence City Code Title 10 Chapter 4 Establishment of Districts and Chapter 6 Use Regulations.

Motion to approve Ordinance 2015-021: R Call, second – J Drew

- S Bankhead said the planning commission has been working on the general plan and as part of the process they wanted to do some definition of the zoning districts. Commercial Neighborhood District has been in the ordinance for at least 16 years, but no one has ever come in and asked for it. After a great deal of discussion about allowing small commercial businesses within a small portion of a residential area, the Planning Commission decided to recommend that it be removed from the zoning ordinances and the use chart altogether.
- B Bagley said Logan City has dealt with this and they decided to designate which areas of town could be used as commercial zones and also that they would be addressed issue by issue rather than blanket acceptance and there are a lot of restrictions.
- S Bankhead said the planning commission discussed restrictions and still recommends this be removed.
- K Allen, from the planning commission, commented that Providence has a very well established commercial district with potential for a lot of growth. He felt with landscaping and creative design, that commercial district could be very appealing. However, other neighborhoods in Providence did not seem to fit the requirements for CND.
- J Drew commented that a retail business better describes a CND rather than commercial business. He thinks of a retail neighborhood district as a shop on the bottom floor with residents living above in a high density area. That kind of density does not exist in Providence.
- R Call opposes the neighborhood zone, however, he felt Herm's allowed an old broken down building to be revamped to a nice looking building that provides business.
- K Allen commented that one home being reconstructed may benefit that one home, but it may also negatively impact other homes in the area.

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

Item No. 6. Discussion: The Providence City Council will discuss the Justice Court.

- J Drew acknowledged Judge Funk, the Justice Court Judge for Providence. If this were looked at as a business, how would the problem be resolved? He handed out a spreadsheet to the Council and reviewed it. About 70% of the court cases handled relate to the city of Providence. The remaining portion is Millville and River Heights, with River Heights averaging 10-11% and Millville about 20%. The biggest components of fixed costs are the salaries and benefits of the judge and the court clerk. Attorney fees are directly related to how many citations are written.
- Judge Funk addressed the council. He said the volume of citations has dropped by about 50% in the last three years. From his perspective, he is curious as to why that dropped. The city has not altered its financial commitment to the Sheriff's Department, but the amount of coverage from law enforcement has decreased. He feels the lack of coverage is a contributing factor to the lower citations. He also feels there are moral and staffing issues with the Sheriff's Department.
- J Baldwin said he would not like to see citations going up just to cover court costs. He felt the citations a few years ago were somewhat aggressive.
- R Call felt the city should charge River Heights and Millville more for the services provided and possibly bring in other cities or combine with other courts.
- J Russell said the Sheriff has mentioned that the department is trying to improve its image in the community so perhaps that is why there are lower citation numbers.

- Mayor Calderwood said the justice court is not here to make money for Providence, it is here as a service to our citizens.
- R Call said the city should not be trying to make a profit; however, the city also shouldn't be covering the expenses for the other cities.
- Mayor Calderwood said in his discussion with the Mayor of River Heights, Mayor Brackner said he wants to pay his fair share. Care needs to be taken in how we approach the other cities.
- R Call said there are many options to consider and discuss. There has to be a way to break even.
- Mayor Calderwood asked J Drew to check with Nibley and Hyrum and see what their costs are for running their justice court.
- B Bagley asked how much leeway the judge has in assessing fine.
- Judge Funk said the state sets a fine schedule and he generally follows that schedule unless there is good reason to make adjustments.
- S Bankhead said many citations don't go before the judge and so the clerks look at the bail schedule and use that as the amount to be paid.
- Judge Funk commented that the value of the justice court cannot only be measured from a spreadsheet. The Administrative Office of the Court said the mission of the courts is to improve the lives of Utah Citizens. They have moved from a punish matrix to a rehabilitation/deterrence matrix. The value of the court should be considered. A smaller court can customize and tailor solutions where it is warranted, including counselling and rehabilitation. In regards to parking tickets, in Providence parking tickets are a criminal offense. Under the constitution, a criminal case has to be proven beyond a reasonable doubt. Providence would be better served if parking tickets were a civil matter. They would still come before the justice court, but the difference is proof beyond reasonable doubt to preponderance of the evidence. Prosecution would be much simpler.
- J Drew said a state legislator is proposing a bill wherein he is asking all Justices in the state of Utah be attorneys. That will significantly increase costs for Providence to operate the Justice Court.

Item No. 7. Resolution 047-2015: The Providence City Council will consider for adoption a resolution designating and appointing Skarlet Bankhead, City Administrator, to serve on the Regional Wastewater Treatment Rate Committee.

Motion to approve Resolution 047-2015 designating and appointing Skarlet Bankhead to serve on the Regional Wastewater Treatment Rate Committee: B Bagley, second – J Drew

- R Call feels S Bankhead has a full plate and feels it should be a council member, an elected official. He feels this should be continued until the new council can vote on a representative member.
- S Bankhead said there is a meeting coming up and there should be a representative, but the representative can be changed when the new council comes in.

Motion to continue Resolution 047-2015 with the stipulation that S Bankhead serve as the interim representative on the Regional Wastewater Treatment Rate Committee: R Call, second – B Bagley

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

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

R Stapley:

- Sanitary survey is coming up as it does every three years. Inspector will be here next week. Providence has a good track record on these surveys.
- The plows have been out for their first plowing of the city. 200 East is a priority when the plows are out.
- Storm water – the state requires a registered storm water inspector. There is a lot of paper work involved; it is time consuming and needs to be done very carefully. R Eck was a registered storm water inspector. Last week Rob Stapley, Gerald Taft and Dallas Thurston became registered storm water inspectors. Pollutants and contamination are the big concerns.
- Mayor Calderwood said getting a full time storm water position will be coming before the Council and now there are three people who are qualified.

S Bankhead:

- In addition to the report mailed in the packet, Dan Cox, Developer of Sunrise Acres III, project is on hold.

Mr. Cox wanted to move forward with the development in spite of the litigation. He is willing to redesign and create a cul-de-sac or make a T and the stub that goes to the west. It will not connect to the east, so if 2100 South does not happen, we will not have connectivity going east in that area. The cul-de-sac will be too long for our ordinance. Would the council reconsider Sunrise Acres III redesign, which will probably exclude improvements to 2100 South? She does not want to make the developer go through the redesign process if the council is not inclined to entertain the idea.

- B Bagley said the developer should have been aware of the ordinance when he started this phase of the development and he would like to see what happens with 2100 South first.
- J Drew agreed with B Bagley, but wondered if it could be handled through a variance. S Bankhead said since this was a manmade problem, a variance probably would not be granted.
- R Call felt it should connect with 2100 South.
- J Russell said if a reasonable solution was presented he would entertain looking at it.
- J Baldwin said it needs to connect with 2100 South. There could be safety issues. He feels the ordinance should be followed. There should be connectivity and another means of ingress and egress.
- S Bankhead said at some point it would connect to Garden Drive on the west, but if there is no connectivity with 2100 South, then it is just one big circle until you get back to 500 East.
- S Bankhead would like a few minutes at the end of the meeting.

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 Baldwin – no comment.
- J Russell – no comment.
- R Call – it has been a privilege to serve, expressed appreciation to the council and thanked them for the opportunity to serve with them.
- J Drew – no comment.
- B Bagley – also thanked the council for the opportunity to serve on planning commission and city council for the past 6 years. He feels the council has been able to accomplish some good things and he encouraged the incoming members of the council to continue the good work.

Mayor Calderwood:

- Attended meeting with Zion's Bank for tree lighting.
- Attended annual meeting for Spring Creek Water Company and Blacksmith Fork Water Company. He feels Providence has a good relationship with both companies.
- Report from proposed sewer facility. Reviewed the progress on the proposed sewer project. Publicly thanked the Mayor of Hyrum and her finance officer for getting her city council on board with this project.

S Bankhead said check register is in the packet. She acknowledged the service of Bill Bagley, Ralph Call and John Russell and presented them with clocks made by a citizen of Providence. On behalf of the staff she thanked the council for the Thanksgiving and Christmas gift card, they were much appreciated by the staff. She thanked them for their service to the citizens of Providence and wished them the best in their future endeavors. She wished the entire council and audience members a Merry Christmas and a Happy New Year.

B Bagley thanked C Craven for her work on the minutes and also Rob Stapley for his quick response with the plows in the last snow storm and for serving as the interim Public Works Director.

Motion to adjourn: R Call, second – J Drew

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

Meeting adjourned at 7:40 pm.

Minutes recorded and prepared by C Craven.

CORPORATE SEAL OF THE CITY OF PROVIDENCE

Don W. Calderwood, Mayor

Skarlet Bankhead, City Recorder

City Council Meeting

December 8, 2015

Please Sign In

Name	City of Residence
Sharell Eames	Providence
Duwan Cecil	
BOB BISSLAND	PROVIDENCE
LAURA FISHER	"
Lyle Fuller	Franklin ID
Chris Daines	North Logan
Roy V. Sneddon	Providence UT
Amy Macavinta	Logan
Richard Eames	Providence