

1 **PROVIDENCE CITY COUNCIL MEETING MINUTES**

2 **January 26, 2016 6:00 p.m.**

3 **15 South Main, Providence UT**

4
5 Call to Order: Mayor Calderwood
6 Roll Call of City Council Members: Mayor Calderwood
7 Attendance: K Allen, J Baldwin, J Drew, D Giles, R Sneddon
8 Pledge of Allegiance: Mayor Calderwood
9

10 **Approval of the minutes**

11 **Item No. 1.** The Providence City Council will consider approval of the minutes of January 12, 2016 City Council
12 meeting.

13 **Motion to approve the minutes of January 12, 2016 with the following corrections: J Drew, second – J Baldwin**

- 14 • Page 1, line 43 – add the word council
- 15 • Page 4, line 47 – for budget adjustments

16 **Vote: Yea: K Allen, J Baldwin, J Drew, D Giles, R Sneddon**

17 **Nay: None**

18 **Abstained: None**

19 **Excused: None**

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

- 24 • Darcy Rees has a concern on Item No. 9. Wants to know if S Bankhead had any involvement or knowledge
25 about the scandal.
- 26 • K Allen said he feels there is no truth that S Bankhead had any knowledge.
- 27 • J Baldwin said he has documents signed by people from the community stating she had knowledge.
- 28 • Mayor said he has the authority to remove the city treasurer and the city recorder without any type of
29 appeal. If there is not a city recorder appointed tonight there will be no city recorder.
- 30 • R Sneddon said more information will come forward on February 9th meeting.
- 31 • D Rees said she would like the council to hold off on the appointment until they have more information.
32 She would like someone else appointed until more information comes forth.
- 33 • Mayor said the council and mayor do not have the authority to be the recorder. That position requires
34 certification and qualification. There is a committee that will make a recommendation to the council on
35 February 9th. He appreciates her concern, but feels the appointment should be made. The appointment
36 has to be made before February 1, 2016.
- 37 • Richard Eames has a concern about traffic from Canyon Road to Center Street/100 North. He feels the
38 traffic is heavy and fast. He understands the speed limit in that area is 25 miles an hour and he has not
39 seen an officer anywhere in that area for a long time. He would like an officer parked in that area with a
40 radar gun, not just a driving pass through the city. He would also like to see a three way stop at the
41 intersection of 200 West / 100 North.
- 42 • D Giles commented that the patrol cars are up at the churches on Canyon Road.

43 **Public Hearings:** Prior to making a decision on the following Items, the City Council is holding a public hearing. The
44 purpose of the public hearing is to provide an opportunity for anyone interested to comment on the proposal
45 before action is taken. The City Council invites you to attend the hearing in order to offer your comments.

- 46 • No public comments.

47 **6:15 PM Item No. 1: Petition for Annexation.** Petitioned by Cache County by Craig Buttars, Cache County
48 Executive. The property described in the annexation petition is located adjacent to the north boundary of
49 Providence City is commonly known as 500 North in Providence City (800 South in Cache County), east of 300 East.

- 50 • S Bankhead reviewed the history of the proposed annexation. This annexation includes the right of way
51 for 500 North from 300 East moving east.
- 52 • J Baldwin asked if the road would be improved after annexation.
- 53 • S Bankhead said the city will leave it as is, but as development comes on the north side; the developer will

1 finish the upgrades.

2 **6:15 PM Item No. 2: Petition for Annexation.** Petitioned by Members First Credit Union by Brad V. Barber,
3 President/CEO. The property described in the annexation petition is located adjacent to the northwest boundary of
4 Providence City is commonly known as approximately 65 North HWY 165, Providence; and legally described as
5 follows: Parcel No. 02-088-0018 containing 1.148 acres.

- 6 • K Allen said that while he was on planning commission this was discussed and it is a great area for
7 commercial development.
- 8 • S Bankhead said the applicant has asked that this annexation, which is currently AGR in the county, be
9 zoned CGD. In the future the property to the south may be zoned CHD, but for now the credit union is
10 asking for CGD.
- 11 • K Allen asked the difference between general and highway.
- 12 • S Bankhead said it is usage. CHD is geared for sales tax producing businesses and since the credit union is
13 not a sales tax producing business, there would to have a percentage of space dedicated for sales tax
14 producing businesses.
- 15 • J Baldwin asked if the zoning was included with the annexation.
- 16 • S Bankhead said it is.

17 The Audit Report was discussed before the 2016 Budget Adjustment.

18 **Business Items:**

19 **Item No. 1.** Audit Report: Representatives of Ulrich & Associates PC will present the 2015 Audit Report.

- 20 • Mike Ulrich, partner with Ulrich & Associates, reviewed the 2015 audit report. He feels the financial
21 statements are stated fairly as of June 30, 2015. Reviewed net position. Discussed funds and
22 appropriations. Discussed options to reduce general fund, which are about 30% higher than they should
23 be. The excess can be transferred to capital projects fund, it can be spent down, or the state gov't can
24 reduce property tax rates. He suggests either spending the money or moving it to the capital projects fund
25 for future projects.
- 26 • K Allen asked if the capital projects fund could be transferred to different projects down the road.
- 27 • M Ulrich said it can be changed from whatever project it was identified for to another project.
- 28 • R Sneddon asked if the money in the capital funds account could be moved back to the general fund if the
29 economy had a downturn.
- 30 • M Ulrich said it could be transferred back to the general fund. It would require a public hearing on the
31 budget. Discussed enterprise fund and the general fund.
- 32 • K Allen asked if one fund account could be borrowed against for another fund project in an emergency
33 situation.
- 34 • M Ulrich said it could be done, but if it were done every year, the state would probably review the funds
35 and make appropriate suggestions.
- 36 • J Drew asked what adjustments would be made for the city.
- 37 • M Ulrich said sales tax and franchise taxes are collected in June, but not received until August. He made
38 an adjustment for that. Compensated absence recorded in general fund, but the city is not required to do
39 that.
- 40 • M Ulrich discussed bank reconciliations, deposits and checks. Construction in progress – projects that
41 extend from one fiscal year to the next. Impact fees – six year to spend after they have been collected or
42 refunded back to whom they were collected from.
- 43 • S Bankhead said those fees (park impact fees) that have expired have been refunded.
- 44 • There was discussion about why those fees were refunded rather than used..
- 45 • M Ulrich discussed state compliance regarding fund balance, finance website (posting of financial
46 information) and posting of meeting information. There were no difficulties encountered in the audit.
- 47 • S Bankhead listed projects that had been brought before the council and rejected, that would have been
48 funded with the impact fees.

49 **6:30 PM Item No. 3: 2016 Budget Adjustment.** 2016 Budget Adjustments for all Funds (General Fund, Capital
50 Project Fund, Water Fund, Sewer Fund, Stormwater Fund). Including but not limited to a proposed adjustment to
51 use funds collected in prior years for the purpose of remodeling the building located at 64 North Gateway Drive,

1 Providence, to house the City offices, and to use park impact fees collected in prior years to increase the capacity
2 for use at the Zollinger Park tennis courts and southwest baseball field by adding lights.

- 3 • S Bankhead reviewed the budget adjustment for the excess fund balance in the general fund.
- 4 • R Sneddon felt money should be spent for a metal detector to be installed in the new building for the
5 Justice Court.
- 6 • S Bankhead said the current engineering report does not cover this type of improvement, but it can be
7 considered and an increase will have to be given. Energy code has changed and lighting will have to be
8 updated, so this can be adjusted in the electrical budget.
- 9 • R Sneddon also said the park at 400 South and Main needs to be improved. That land was supposedly
10 acquired in exchange for a park being installed, according to the former owner of that property.
- 11 • B Munson commented that she has been looking at how other courts in the valley/state have handled
12 security. Hand held wands can be used rather than going to the expense of installing a walk-through
13 metal detector. She will do further research for the council.
- 14 • K Allen said if the city installs any type of metal detectors, then the city needs to follow that all the way
15 through with law enforcement. Cameras are also a good security feature.
- 16 • J Baldwin said all the electrical can be roughed in, then as more funding becomes available, those types of
17 security systems can be installed. In the interim the city could have a bailiff with a wand.
- 18 • R Sneddon said he feels the city needs to get out in front of the security concerns. Start someplace.
- 19 • D Giles also suggested protection for personnel in the front office, bullet proof glass, etc.
- 20 • There was further discussion about security and safety in the new office.
- 21 • K Allen said updated communications in the council room also need to be considered.
- 22 • J Baldwin said communications wiring could also been roughed in so that when the time comes
23 communications/media can be updated. He suggested once the city moves over to the building, it will be
24 easier to see what the real needs are.
- 25 • Mayor Calderwood commented on the engineering estimate the city currently has on the new building.
26 That estimate came back that an additional \$25-\$30 thousand will be needed.
- 27 • K Allen asked if there will be sufficient funds so that staff will be working in an esthetically pleasing
28 environment. He feels it will increase productivity if there is a pleasing work space.
- 29 • It was suggested that HPC or USU could provide some art resources for the new office building.
- 30 • Mayor said the new office space is a very pleasing environment.
- 31 • J Drew asked if there were any plans for an open house.
- 32 • Mayor said the city will have an open house.

33 **Business Items:**

34 **Item No. 2. Ordinance No. 2016-001:** The Providence City Council will consider for adoption an ordinance annexing
35 a 0.77 acre parcel commonly known as 500 North in Providence (800 South in Cache County) east of 300 East;
36 petitioned by Cache County.

37 **Motion to adopt Ordinance No. 2016-001: J Baldwin, second – K Allen**

38 **Vote: Yea: K Allen, J Baldwin, J Drew, D Giles, R Sneddon**
39 **Nay: None**
40 **Abstained: None**
41 **Excused: None**

42 **Item No. 3. Ordinance No. 2016-002:** The Providence City Council will consider for adoption an ordinance annexing
43 a 1.148 acre parcel of property located generally at 65 North HWY 165; petitioned by Members First Credit Union.

44 **Motion to adopt Ordinance No. 2016-002: J Baldwin, second – J Drew**

- 45 • S Bankhead said this ordinance also changes the zone to CGD.
- 46 • K Allen asked if it goes along the highway and if the access to that state highway is resolved.
- 47 • Brad Barber, representative from Members First Credit Union, said it will front the highway.
- 48 • J Drew clarified the frontage is the short side of the lot and it will extend back.
- 49 • R Sneddon asked for clarification on CGD versus CHD. Specifically, why is the city not looking for the tax
50 revenue that would come from CHD?
- 51 • S Bankhead said the city didn't have an option on who bought the property. MFCU had the option of
52 buying property in Logan or Providence and they chose Providence. The city council should look at zoning
53 the balance of that property CHD, as right now it is all AGR.

- J Baldwin asked if the credit union couldn't operate in the CHD.
- S Bankhead said non-sales tax producing businesses can only be a percentage of existing businesses in CGD.

Vote: **Yea:** K Allen, J Baldwin, J Drew, D Giles, R Sneddon
Nay: None
Abstained: None
Excused: None

Item No. 4. Resolution 007-2016: The Providence City Council will consider for adoption a resolution accepting for further consideration an annexation petition signed by Todd Jensen, agent for M&R LLC and Jerome S Fickas TR, for property described in the annexation petition that is located adjacent to the southwest boundary of Providence City at approximately 700 West 300 South (a portion of Parcels No. 02-090-0018 and 02-090-0011), legally described on the attached map; containing 1.41 (+/-) acres.

Motion to adopt Resolution 007-2016: J Drew, second – J Baldwin

- J Drew asked how this annexation came about.
- S Bankhead said according to the county, Mr. Fickas purchased another portion of property and did a boundary line adjustment, but never approached the city about it. When Mark Anderson purchased Logan Extermination and wanted to build another building on the property, this parcel was sitting entirely on county property. This is an effort to clean up records with the county and the city boundaries. This is not an annexation tonight. .

Vote: **Yea:** K Allen, J Baldwin, J Drew, D Giles, R Sneddon
Nay: None
Abstained: None
Excused: None

Item No. 5. Discussion: The Providence City Council will discuss 1250 South between Lots 15 and 16 of the Providence Highlands Phase 1 Subdivision.

- S Bankhead reviewed the history of these lots. Recently someone has purchased one of the lots and the city needs to make a decision on how to handle the road or the right of way vacation.
- J Drew asked if the city vacated the right of way, could the property be sold.
- S Bankhead said she will have to check on that.
- S Bankhead will get some engineering options.

Item No. 6. Resolution 006-2016: The Providence City Council will consider for adoption a resolution appointing one of the following three residents as a substitute for Randy Simmons on the Providence City Appeal Authority: Paul Masuyama, Ned Miller, Jeff Turley.

Motion to adopt Resolution 006-2016: K Allen, second – D Giles

- K Allen felt any of the three would be acceptable.
- S Bankhead said the appeal is in regard to Stan Checketts' property in the northeast corner of the undeveloped property. He would like to start development connecting road from Sherwood Drive through his property and connecting to 500 North. The proposed road exceeds the distance in our ordinance for a road, by about double. He is asking the appeal authority to consider a variance based on topography and grade. Joe Chambers and Mary Hubbard can accommodate the schedule, but Randy Simmons cannot.
- Mayor said he explained the situation to all three candidates and asked if they had any conflicts. None of them had conflicts.
- R Sneddon asked about the expertise of the members of the appeal board to evaluate the situation.
- Mayor said the appeal board will look at the ordinance and make their decision based on the ordinance. Mayor Calderwood thought Gary Knighton, the city engineer, supported the variance.
- R Sneddon felt as long as Gary Knighton was at the meeting, he would not have a problem with their decision.
- R Sneddon asked Ned Miller, who was in attendance at the meeting, what his background was.
- Ned Miller said he does not have a background in engineering, but his understanding was that an expert was not necessary.
- R Sneddon felt the three candidates were in over their heads on knowledge of the situation, but as long as Gary Knighton was in attendance, he could at least offer his professional opinion.
- J Baldwin felt Gary's opinion was important and feels the three candidates could make a competent decision.
- Ned Miller said he is the one person most affected by this development. He lives in the house that all

1 traffic will be driving past and has a slight bias against development in general. However, if chosen, he will
2 do his best to serve in an unbiased capacity.

3 **Vote: Yea: K Allen, J Baldwin, J Drew, D Giles, R Sneddon**

4 **Nay: None**

5 **Abstained: None**

6 **Excused: None**

- 7
- J Drew asked if Stan Miller's attorney could object to the appointment.
 - K Allen said he appreciated Ned's willingness to serve and to give an unbiased decision.

8

9 **Item No. 7. Resolution 004-2016:** The Providence City Council will consider for adoption a resolution adjusting the
10 2016 City Budget for All Funds.

11 **Motion to adopt Resolution 004-2016: K Allen, second – J Baldwin**

12 **Vote: Yea: K Allen, J Baldwin, J Drew, D Giles, R Sneddon**

13 **Nay: None**

14 **Abstained: None**

15 **Excused: None**

16 **Item No. 8. Appointment Confirmation:** The Providence City Council will consider a request from Mayor Don
17 Calderwood to confirm the appointment of Rob Stapley as the Public Works Director.

18 **Motion to appoint Rob Stapley as the Public Works Director: K Allen, second – J Baldwin**

- 19
- J Baldwin feels this is a great opportunity for Rob. In the email he sent out he expressed a concern about
20 personnel management. He suggested promoting Rob permanently with a stipulation of a one year
21 probation due to a lack of supervisory background.
 - S Bankhead said the current personnel policy has a six month probation policy. She commented that Mr.
22 Stapley has been caught off guard. She feels it would be wise to get his input on what is being suggested
23 to see if this is something Mr. Stapley wants to continue with. She also commented that this discussion is
24 out of order.
 - Mayor commented that during the interview process, these stipulations were not in place. None of the
25 interviewees were aware of what J Baldwin is suggesting.
 - J Baldwin said he is very supportive of Rob taking this position, he just feels there are skill sets that need
26 to be improved upon, and he does not feel it is unreasonable to expect Rob to improve managerial skills
27 by taking classes. He also suggests the wage offering being increased after the probation period ends. J
28 Baldwin read the email that outlined the stipulations he felt were important.
 - R Sneddon suggested continuing this discussion until J Baldwin can discuss his ideas with Rob Stapley.
 - J Baldwin reiterated that this is intended to give the appointment to Rob, but also to give him tools to
29 help him in his new responsibility and ensure his pay is equal to the responsibility he will be given. He
30 feels his suggestions were supportive and totally oriented to ensure Rob's success in this appointment. He
31 also feels someone needs to be hired to fill the position in Public Works that Rob will be vacating in being
32 appointed as the Public Works Director.
 - Mayor Calderwood said he would like to see this appointment go through tonight.
 - R Sneddon said he supports what J Baldwin is suggesting. He feels Rob should have proper training and
33 would like to see that in a formal statement. He also feels the council should be more involved in the
34 hiring process of key personnel.
 - J Baldwin said he feels this shows he supports Rob 100% in giving him tools to succeed in his new role.
 - R Stapley said he is open to all suggestions and has not felt offended by the comments tonight. He feels
35 there is optimism in moving forward and is not opposed to classes that would help him succeed in his new
36 appointment. He appreciates the confidence shown in him by making this appointment.
 - K Allen said he has experience in management negotiations. Rob applied under the job description and
37 there was nothing in the job description to indicate that after the appointment, there would be additional
38 requirements. He feels Rob may be put on the spot. He feels if the council is going to make these kinds of
39 requirements, they need to go back to the job description and reconsider the job offer, including the
40 increase in pay. He does not feel this is fair to Rob or to other employees.
 - Mayor Calderwood said he could not be more pleased with Rob's performance in the last three months.
41 He has complete confidence in Rob's ability. He knows what he is doing, he has the background and has
42 done an outstanding job during this transition period. He disagrees with J Baldwin's interpretation of
43 management skills.
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- 1 • R Sneddon said he has no issue with appointing Rob, but feels there is an issue that a member of the council is not included in the interview/hiring process or in job description changes.
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- 3 • S Bankhead said the Mayor is a member of the council and was present during the interviews.
- 4 • S Bankhead said she agrees that the public works position is a very important position and the City followed the outline in the personnel policy for the hiring process. All positions at the city office are key positions. She reminded the council that the public works director has to maintain continuing education as required by the state for the job description. The policy has to be followed or the policy needs to be changed so the policy is doing what the council wants. It is difficult to have a policy and then not follow it because the current council is not happy with the policy.
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- 10 • R Sneddon said he thinks it is an old policy. We are in a new time and need new policies.
- 11 • J Baldwin feels there is a lot of misinterpretation of his requests. He feels his requests are simply to give Rob the tools to accomplish his job successfully. He feels his suggestions were an attempt to enable not an attempt to blind side or not support Rob. He fully supports Rob being appointed to this position.
- 12
- 13
- 14 • R Sneddon said if this comes to a vote tonight, he will vote no, but he wants it understood that has nothing to do with Rob, but with the procedure.
- 15
- 16 • Mayor Calderwood said this is a vote to appoint Rob tonight based on the job description and pay scale. Policy can be addressed in future meetings.
- 17
- 18 • K Allen said he does not feel the rules can be changed in the middle of the game. It isn't fair to those interviewed and it's not fair to Rob, or others who applied. After the appointment, the council can revisit the policy.
- 19
- 20
- 21 • R Sneddon said he will vote in favor, provided the personnel policy is addressed in the next meeting.

22 **Vote: Yea: K Allen, J Baldwin, R Sneddon**
 23 **Nay: J Drew, D Giles**
 24 **Abstained: None**
 25 **Excused: None**

26 **Item No. 9. Resolution 005-2016:** The Providence City Council will consider for adoption a resolution reappointing Skarlet Bankhead as City Recorder and Beth Munson as City Treasurer.

27 **Motion to adopt Resolution 005-2016: K Allen, second – J Drew**

- 28 • R Sneddon said he will vote yes, but it requires an extended discussion in the future.
- 29
- 30 • J Baldwin said there will be discussions in the next meeting in order to put the current issues at rest. He does not feel it is prudent to hire a temporary city recorder for two weeks in order to wait for the recommendations of the committee.
- 31
- 32
- 33 • Mayor said based on state code, every election year the positions of city recorder and city treasurer have to be reappointed by end of January.
- 34
- 35 • K Allen said he feels it is totally unfair and inappropriate to assume the current city recorder will be found guilty.
- 36

37 **Vote: Yea: K Allen, J Baldwin, J Drew, D Giles**
 38 **Nay: R Sneddon**
 39 **Abstained: None**
 40 **Excused: None**

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

42 Rob Stapley:

- 43 • Street Department - plowing streets and filling potholes.
- 44 • Culinary Water - making sure reducing stations are working properly.
- 45 • Storm water – more classes and training coming up. He and Dallas will be attending classes.
- 46 • Parks – 400 South and Main Street Park. That is a well house and it requires source protection. Asked the council to carefully consider what is going to be put around that facility. There is chlorine at that facility and he does not want to draw the public, especially children, to that facility for safety reasons.
- 47
- 48 • R Sneddon suggested trimming trees, adding grass, and perhaps a park bench for sitting.
- 49
- 50 • J Baldwin suggested using natural vegetation.
- 51 • R Stapley said clean up and perhaps adding a gazebo would be adequate upgrades. There is always potential for vandalism at City parks and he dislikes the idea of inviting vandalism to that facility.
- 52
- 53 • K Allen asked about the big storm coming this weekend. Is the City ready for the storm water that will

1 come?

- 2 • R Stapley said it is difficult to know where the issues will occur but past experience has had good
3 outcomes. The ditches do their job. He does not feel there will be much of a problem as currently the
4 ground is not frozen; it can take a lot of the moisture that will come. Public Works watches closely for
5 potential problems.
6 • K Allen mentioned the retention pond on John Thompson's property. John says his retention pond is
7 collecting water from the gulley behind his house and out of Spring Creek Irrigation when they dump it
8 into that gulley.
9 • R Stapley said many of the ponds top out during storms, and issues are dealt with as they come up, but
10 there have been no liability floods that have come up since he's been working for the City.
11 • K Allen said the snow crew has done a wonderful job. He asked about the solution that has been put on
12 the road to melt ice and asked about the salt supply.
13 R Stapley said they only use salt on the roads. Public Works has been using a lot of salt, but the budget is
14 accommodating to the salt that needs to be replenished.

15 S Bankhead:

- 16 • She thanked the Council on behalf of herself, Beth and Rob for the appointments.
17 • She felt the workshop on January 23rd was a successful workshop. It was cut short, so she suggested
18 another workshop in order to discuss land use, budget, impact fees and other items that were not
19 discussed in order to prepare the Council for budget discussions that will be coming up.

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

- 23 • D Giles – no comment.
24 • J Drew – attended Planning Commission meeting, barely had a quorum. Discussed zoning for SFE and SFL.
25 • R Sneddon – no comment.
26 • K Allen – liked suggestion from J Baldwin to have HPC and USU Art Department, as well as others in the
27 valley to help suggest or select art pieces for the new building.
28 • J Drew suggested having a Council member be assigned to HPC.
29 • J Baldwin wants a discussion item on the organizational chart he emailed to the Council in order to know
30 what everyone's thoughts and feelings are regarding that.

31 **Motion to adjourn: J Baldwin, second – D Giles**

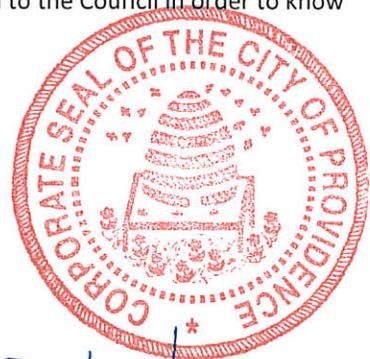
32 **Vote: Yea: K Allen, J Baldwin, J Drew, D Giles, R Sneddon**
33 **Nay: None**
34 **Abstained: None**
35 **Excused: None**

36 Meeting adjourned at 8:55 pm.

37 Minutes recorded and prepared by C Craven.

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42 Don W. Calderwood, Mayor



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42 
Skarlet Bankhead, City Recorder

