PROVIDENCE CITY COUNCIL MEETING AGENDA
April 26, 2016 6:00 p.m.
Providence City Office Building, 15 South Main, Providence UT

The Providence City Council will begin discussing the following agenda items at 6:00 p.m. Anyone interested is invited to attend.

Call to Order: Mayor Calderwood
Roll Call of City Council Members: Mayor Calderwood
Pledge of Allegiance:

Approval of the minutes
Item No. 1. The Providence City Council will consider approval of the minutes of April 12, 2016 City Council meeting.

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.

Public Hearing:
Item No. 1. 6:15 p.m. Proposed Street Vacation: Pursuant to UCA 10-9a-609.5(2) the Providence City Council is holding a public hearing to receive public comment on a petition to vacate a portion of 1250 South located in the Providence Highlands Subdivision between Parcels 02-203-0015 and 02-203-0016, (Lot 15, 1249 Hidden View Lane and Lot 16, 634 East 1250 South, respectively). The City Council invites you to attend the hearing in order to offer your comments.

Business Items:
Item No. 1. Resolution 016-2016: The Providence City Council will consider for adoption a resolution appointing Michael Harbin as an alternate member on the Providence City Planning Commission.
Item No. 2. Discussion: Sheriff Chad Jensen will review the Cache County Sheriff Department.
Item No. 3. Resolution 017-2016: The Providence City Council will consider for adoption a resolution approving an Interlocal Agreement between Cache County and Providence City for Law Enforcement Services.
Item No. 4. Resolution 018-2016: The Providence City Council will consider for adoption a resolution approving an Interlocal Agreement between Cache County and Providence City for Animal Control Services.
Item No. 5. Ordinance 2016-008: The Providence City Council will consider for adoption an ordinance vacating a portion of 1250 South located in the Providence Highlands Subdivision between Parcels 02-203-0015 and 02-203-0016, (Lot 15, 1249 Hidden View Lane and Lot 16, 634 East 1250 South, respectively).
Item No. 6. Resolution 019-2016: The Providence City Council will consider for adoption a resolution to initiate the creation of the Cache Water District.
Item No. 7. Ordinance 2016-009: The Providence City Council will consider for adoption an ordinance establishing a Temporary Land Use Regulation for the administration of land use ordinances by changing the words "City Administrator" to "Administrative Services Director".
Item No. 8. Ordinance 2016-010: The Providence City Council will consider for adoption an ordinance amending Providence City Code Title 7 Chapter 11 by changing City Administrator to Administrative Services Director
Item No. 9. Resolution 020-2016: The Providence City Council will consider for adoption a resolution creating the Administrative Services Director position, and appointing Skarlet Bankhead as the Administrative Services Director.
Item No. 10. Discussion: The number of verified signatures on the City Manager Implementation Initiative exceeds the number of names required by UCA 20A-7-501. The City Recorder will deliver the proposed law to the City Council.

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

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.

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).

Agenda posted the 23 day of April 2016.

Skarlet Bankhead
City Recorder

If you are disabled and/or need assistance to attend council meeting, please call 752-9441 before 5:00 p.m. on the day of the meeting.
Pursuant to Utah Code 52-4-207 Electronic Meetings – Authorization – Requirements the following notice is hereby given:

- Providence City Ordinance Modification 015-2006, adopted 11/14/2006, allows City Council member(s) to attend by teleconference.
- The anchor location for this meeting is: Providence City Office Building, 15 South Main, Providence, UT.
- Member(s) will be connected to the electronic meeting by teleconference.

PROVIDENCE CITY COUNCIL MEETING MINUTES
April 12, 2016 6:00 p.m.
Providence Elementary School
91 East Center, Providence UT

Call to Order:	Mayor Calderwood
Roll Call of City Council Members:	Mayor Calderwood
Attendance:	Kirk Allen, Jeff Baldwin, John Drew, Dennis Giles, Roy Sneddon
Pledge of Allegiance:	Mayor Calderwood

Approval of the minutes

Item No. 1. The Providence City Council will consider approval of the minutes of March 29, 2016 City Council meeting.

Motion to approve the minutes with the following corrections: K Allen, second – R Sneddon

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

- Dan Turner, resident, commented that since last September a lot has happened in the city. He feels there is a lot of unrest among the citizens and no answers for the public. What is being done to report back to the citizens that may affect city as a whole?
- J Baldwin said a lot of things discussed have been done in exec session and cannot be discussed outside those sessions; however, it is fair to say the council has been actively trying to resolve the issues.
- D Turner asked if there was a timeline for a resolution.
- J Baldwin said he feels like the issues have been addressed and the council is moving forward. Some citizens feel there is reason for change in our city government, but switching to different form of government will have complications.
- K Allen said some things cannot be discussed publicly to protect the rights of people involved. Council has been diligent in resolving the issues and striving to move forward. The city newsletter goes out monthly and the Mayor tries to keep the public informed on the issues.
- R Sneddon said he has a handout for later in the meeting that shows comparisons for the organizational structure of other cities similar in size to Providence. It should be informative.
- J Drew also has specific comments for the public hearing later in the meeting.
- D Giles said he agrees with what J Baldwin has said.
- D Turner said he wasn't asking about the government structure, but as he has been in discussed with neighbors, some of them are embarrassed about articles that have been in the paper.
- Chad Checketts back in September nepotism was an issue. It is still an issue. What is the council doing to resolve that issue?
- Mayor said nepotism is addressed by state code. If there are relatives working in the city organization, state code says if one relative does not report to the other relative, nepotism is not being practiced. If one relative has not influenced a monetary increase for the other relative, nepotism is not being practiced. This city does not practice nepotism, even though we have two closely related employees.
- Monti Jones commented on the all-male council. Commented that many years ago when her husband was on council and she was on planning commission, they saw a need for new city office. She thinks the city needs a new building. Lions club and senior citizens would have a place to meet. Perhaps the new building could be used for a senior citizens center. Since she pays her bill on line and has not had paper newsletter for a long time, she would like to see it online.
- Mayor commented that newsletter is online. The new building will have an area the senior citizens can use.

- K Allen encouraged females to run for city office. He said there was an excellent female candidate running for city council last election, but she was not elected.
- Sherry Ward asked who the human resources director was, who is currently in charge of hiring and who has been in charge of hiring in the past.
- Mayor said the city has a human resources professional that is consulted, as well as an attorney. The city has 3-4 individuals that confirm HR decisions. Tara Bankhead was appointed as the human resources representative, she was appointed by Mayor Liechty. She currently reports directly to Mayor Calderwood.

Public hearing closed at 6:20 pm.

Public Hearing:

Item No. 1. 6:15 p.m. Proposed Annexation: The Providence City Council is holding a public hearing to provide an opportunity for anyone interested to comment on a proposed annexation, 1.41 acres more or less, commonly known as approximately 700 West 300 South (a portion of Parcels No. 02-090-0018 AND 02-090-0011); sponsored by Mark A. Anderson, Managing Partner M&R LLC.

- S Bankhead said explained why this property is being proposed for annexation. When Jerry Fickas was the owner, he annexed the to the property line. He subsequently purchased this other strip of land to the west and then sold the business and property to Mark Anderson. Mark Anderson would like all his property annexed into Providence. The north half is zoned CGD and the south is zoned ARG zoning. The proposal needs to be amended to reflect this zoning.

Public hearing closed w/o comment at 6:25 pm.

Business Items:

Item No. 1. Resolution 015-2016: The Providence City Council will consider for adoption a resolution appointing Rowan Cecil as an alternate member on the Providence City Planning Commission.

Motion to adopt Resolution 015-2016 appointing Rowan Cecil as a member of the Planning Commission: J Baldwin, second – R Sneddon

- J Baldwin supports this appointment.
- K Allen appreciated how informed R Cecil was when he served previously on Planning Commission. He felt R Cecil would be an asset to the Planning Commission.
- R Sneddon commented that R Cecil was trained as a petroleum engineer, but his career morphed into hydraulics, just so the public understands his background. Water is an issue and the city needs to stay ahead of the issue. Cecil's expertise will be a benefit to Providence City and Planning Commission.
- J Drew commented that at the last council meeting R Cecil talked about rezoning AGR property to multi-family and R Cecil was against it because he lives close to the area being considered for rezone. J Drew asked what the master plan says about that parcel.
- S Bankhead said the existing 2000 plan said it would be one of the single family zones. Four years ago when planning commission was working on the general plan, they looked at mixed use in that area. A portion of the Amsource property was changed to mixed use. Planning Commission will be discussing it tomorrow. She thinks it is currently zoned residential, density level 10,000. J Drew asked Rowan if he would recuse himself if there were a conflict of interest.
- R Cecil said he would give his opinion, but would recuse himself on the vote.

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

Item No. 2. Discussion – Cache County Trails: Dayton Crites, Cache County Trails Planning, will discuss the role of the Cache County Trail Planning and the services they offer.

- Dayton Crites, Cache County Trails Planner, addressed the council and audience. He is a newly appointed Cache County Trails planner. He feels trails should be considered as infrastructure. There is a master plan for roadways, waterways, etc.; all done for health and safety of the community, and to build the economy. Trails should also have a master plan. Canyon trails throughout the community should be linked. Trails in community provide safe routes for children to go to school. Studies have shown that in Cache Valley when homes have a proximity to trails, those home values increase. He is here to help facilitate funding, legal aspects and development of trail plans.
- J Drew asked if his responsibility ends at the city limits.

- D Crites said he works with all communities in Cache Valley in an effort to get all communities to work together to improve the trail system in Cache Valley.
- J Drew asked if his term is two years.
- D Crites said it is a preliminary two years with the intent of extending the contract.
- J Baldwin asked if there was a county master plan for trails.
- D Crites said there is not. The closest thing is the CNPO plan. This fall he will be working with River Trails Conservation Alliance to get a natural trails plan established.
- K Allen commented that Logan has a good trail system. Are cities willing to work together to make trails cross boundaries?
- D Crites said absolutely he is going to help municipalities work together to extend trails throughout all communities.

Item No. 3. Annexation Ordinance No. 2016-006: The Providence City Council will consider for adoption an ordinance annexing 1.41 acres more or less, commonly known as approximately 700 West 300 South, sponsored by Mark A. Anderson, Managing Partner M&R LLC. The proposed zone for the property is commercial general district.

Motion to approve annexation Ordinance No. 2016-006 and amend the north half to be zoned CGD and the south half to be zoned AGR: J Baldwin, second – D Giles

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

Item No. 4. Rezone Ordinance No. 2016-007: The Providence City Council will consider for adoption an ordinance rezoning Parcels No. 02-0096-0001 and 02-096-0049, generally located at 485 West 100 South and 450 West 100 South, from Agricultural (AGR) to Multi Family High Density (MFH).

- This item was pulled from the agenda.

Public Hearing:

Item No. 2. 6:30 p.m. Proposed Code Amendment: The Providence City Council is holding a public hearing to provide an opportunity for anyone interested to comment on a proposed ordinance providing that a City Manager will serve as the chief administrative officer of the City and report directly to the Council. This ordinance would remove a power that is provided for a as the Mayor's duty under Utah Code Ann. 10-3b-104.

- Bob Bissland stated 10 reasons Providence should not change current form of government:
    1. Such a change will cost considerable expense to taxpayer. A competent, experienced city manager will cost about $75,000/year plus benefits.
    2. There will be additional hiring and resignations which will cost more money and needless disruption of city.
    3. This will decrease ease of access for citizens to city government by adding more bureaucracy.
    4. A non-resident, non-elected city manager will pose a higher risk of graft and corruption; i.e., a return to the "good ole boy" system.
    5. Our Mayor has 22 years of professional background in human engineering and production engineering. No city manager is likely to do as well in this challenging job.
    6. The mayor is elected. Citizens have the ability to replace him directly when they want a change.
    7. Changing governing model in the middle of this mayor's term is a disservice to many residents in Providence who elected him to do the job that he is doing.
    8. The present mayor is doing the job that a city manager would do at about a quarter of the cost. He is working full time and is working with the wisdom and business acumen of many years of experience. He abides by the law.
    9. Sponsors of the change have failed to give a single good reason why they favor this change. It makes one wonder why their personal motivation might be.
    10. Sponsors claim that because other cities have a city manager, so should Providence. They have a different set of management problems. They have their own police departments, golf course and fire departments that require more oversight.
- Alma Leonhardt said that in his three terms there were always one or two women on the Council or Planning Commission. Hyrum does not have a council manager; they have and always have had a city

administrator, also North Logan. Their cities are run very well with that system. He has spent over 12 years in meetings with city managers, they can be very direct; they control the city and can be worse than a city administrator.

- Bill Bertolio resident of Providence for 50 years. He loves the city and loves the way it has been run. He appreciates the job Skarlet Bankhead has done in running the city.
- Ross Brown, resident of Providence, does not support the council manager form of government. Most arguments are that there needs to be more transparency and greater communications. Neither of these issues will be addressed by a city manager. City Council and Mayor's office can manage both. In regards to the opposition of the purchase of new city building, a new city manager will not fix that issue. It is a done deal.
- Laura Fisher stated that she has the printed list of the 10 reasons against the city manager model that Bob Bissland read.
- Meredith Bitter, citizen of Providence, favors the city manager petition. He thinks it is healthy to consider the options and would like to hear more dialogue regarding city managers as it will be a great opportunity to be educated over the next few months. He is not part of either faction but would like to look at the options and see if the proposed change withstands the scrutiny.
- Stan Checketts thanked the council for their time and service. He encouraged the council to make sure all citizens' opinions are considered properly. Citizens need to be more engaged, weigh the options. Disappointed more citizens aren't here. More should participate and less should criticize. The issues need to be studied.
- Ron Smith, citizen of Providence for 14 years. He feels a strong compelling case has not been made as to why Providence needs a city manager. He has heard grievances, but not any strong arguments. This is a costly change. He is ready to stand in opposition even if a compelling case is made. He supports current form of city government.
- Brian Cox feels the city administrator has too much on her plate. The city has grown and so have the problems. Attorneys at city council meetings, HR issues and government issues need to be addressed. He did not support the last city manager, but feels it is time to consider that option as long as it is an experienced and trained city manager.
- Ralph Daniels, citizen of Providence, has contacted cities that have city managers to answer questions he has. He thinks at some time a city manager would be good for Providence, but not now. 1. Ordinance change has been proposed for the wrong reasons. 2. Ordinance change has been proposed w/o research as to cost, why we need it and how it will be paid for. The whole thing is proposed to get rid of the power of the mayor. Read the proposed ordinance, pointing out all the reason he felt it was unnecessary to change form of government, including mayoral powers, cost of hiring a city manager, hiring a city manager just because other cities have city managers, etc. He feels there is consistency in the city because a mayor is elected for four years. He believes in the separation of powers that currently exist in the city. He feels the new ordinance will change that and does not want all power centralized.
- Chad Checketts said most of the reason this initiative is proposed is to give citizens a choice. Nobody has specific answers or solutions at this point, but as things move forward solutions will come. City manager may not cost more as a city manager can operate in a variety of different ways. He favors a city manager so that one person is not always making the decisions for the city. A quorum of like-minded people should be making those decisions. A mayor has the power to appoint people to key positions. A city manager answers to the council. Mayor serves for four years, but when the mayor is gone, the citizens will live with the decisions of that Mayor for many years after. In a city manager form of government, the mayor only has one vote as part of the council. There is a separation of power. Currently the mayor has legislative and administrative powers. He encouraged the residents to put biases aside and get educated and decide what is needed. He invited the mayor to sign the ballot.
- Mayor Calderwood clarified that he does not appoint people to key positions unless the council approves it. As to the building, he invited Bill Bagley to clarify the issue.
- Bill Bagley, former councilman, said he would be happy to talk to anyone who wanted to talk to him and clarify any falsehoods, rumors and general misinformation from a few weeks ago. There is spinning as to how the vote for the building took place. He has minutes, agendas and the chronology for that meeting. On May 12, 2015 an agenda motion was made, in a public meeting, and there was discussion to move

funds to purchase building. Budget had to be turned into the State of Utah by end of June 2015. There has been no tax increase for that new building. Even though that was predicted, it turned out to be a falsehood. June 9, 2015, a public meeting was held and the purpose of that meeting was to sign the purchase contract. There was a 3/2 vote to move ahead. Councilman John Russell was on vacation in Alaska, which made the vote 2/2 with the mayor making the deciding vote. As far as the misinformation that the purchase of this building will cost well over a 1.3M, that is a falsehood. The cost of the building was $1,075,000. $102,800 was proposed for renovations and move-in costs. There are not secrets, this is public information. The check was written and it did not affect the road budget or taxes.

- He asked mayor to review what will be done this year and what was done last year without increased appropriations. The building is done and over with, it is time to get on with city business.
- Steve Jenson asked if the councilman that was on vocation had asked for the vote to be delayed. With such an expensive purchase it would have been important for all council members to vote on the decision.
- B Bagley said he did not because the budget had to be turned in the end of June 2015. This had been on the agenda for two or three meetings before that. The city had to move on with the decision.
- Steve Jenson grew up in Providence, and supports the city manager proposal. Does not feel we have a long term plan on how to improve infrastructure in the city. It seems to change with each Mayor. He feels the city has worst roads in Cache Valley. Millville spends about $300,000/year on roads and they don't have any potholes. Citizens should be vocal about demanding a long term plan. Every year there is a walk to school day for the kids. His kids have to take a bus to Von's Park to walk to school because Canyon Road is so unsafe. Road improvement should be considered before we make the most expensive purchase in city history. If we are going to make a purchase on such an expensive building, how hard is it to take a survey so the entire city can vote?
- Dan Turner said professionally he has dealt with the city numerous times. He feels the mayor and city administrator are doing the best job they can. Would someone else do it better or differently? He does not know, but that is why it should be on the ballot. There are two sides to this issue. Being an American is founded on being able to make decisions and govern ourselves. He wants people to sign the petition so it can be on the ballot, then people can become informed and make informed decisions.
- Brent Speth, resident of Providence, said two weeks ago this was an ordinance before the city to be adopted by city council without public hearing. Those who opposed this proposal felt it would be a wise decision to have this public hearing and let the citizens voice their opinions. Everyone should have a chance to voice their opinion and learn what a city manager should be and could be and then make a wise decision. He would like to see the credentials of the prospective city managers, but that credential selection will be left up to the city council. It will be their responsibility to select a new city manager. It happened before and the council made a poor choice and the residents still live with the choices of that council. Asked about the sales tax from Macey's.
- S Bankhead said that is proprietary information.
- B Bagley said $65-85 thousand per month goes into the city, as sales tax, that includes Macey's.
- B Speth felt we needed more tax revenue before can we pay for a city manager. You have to consider the budget and benefits/costs ratio. The current city administrator is also the city recorder, she will still be on staff, the mayor isn't going away, so adding a new city manager will increase costs. No way to get around that.
- Christy ??? , resident of Providence. Lots of mayors come and go. Providence has had poor education as to how to get involved. Many residents don't realize they don't have a say in what happens, they are unaware that city council answers to citizens. Why pay someone else to run something when a lot of power the city manager has could be turned over to mayor? As a third option, the responsibilities of the Mayor and a city manager could be combined. We need better attendance at city council meetings and information needs to be more available.
- Richard Eames commented that getting 90% of the citizens to vote would be difficult as 90 % of the residents don't even come to city council meetings. If people have complaints about the roads, they need to visit with the mayor or come to the city council meetings and voice their concerns. He supports the mayor and council form of government.
- Cindy Litchford, resident of Providence. She is new to the valley and loves living in Providence. She feels

the issue tonight seems to be based on emotion and character attacks. Comparing Providence to North Logan, which has a budget of $9M is not fair. To say we need a city manager because someone else has one is not a valid point. Hears mostly from neighbors and others is a lack of accountability. Whether it is a city manager or mayor in charge, someone has to be made accountable for the decisions that are made. That seems to be what is lacking in Providence City. As to the budget no line items for attorney fees, engineer fees, etc. Recorder makes $91,600/year but no line item in budget for that salary. Is there an audit done every year, and is it an outside audit? Does the city have a city accountant or city controller, or is someone just putting the data into QuickBooks?

- J Drew said the city has financial audits that are outsourced, but the scope is limited in what they do. They assure money is segregated and set aside according to state code. That does not mean the city is effective or efficient. This simply means the audit meets accounting standard requirements for financial statements.
- C Richards asked if the auditors take samplings and if the audit is thorough. She encouraged the city council to be more transparent and more willing to accept responsibility when complaints are raised.
- J Drew said samples are taken and there are checks and balances. The city operates under separation of duties, but as a small city, many of the responsibilities overlap, but the controls are there. By the way, the terms city manager and city administrator are interchangeable in the State of Utah. They are defined by responsibilities given by each individual city.
- S Bankhead said the invoice register and financial statements are given to the council every month. The city does have line items for attorneys for land use, administration and water. Also, there is a line item for city engineer as well.
- Rowan Cecil said the reasons some people haven't signed the petition it is because residents don't want the expense of the election. Asked, by show of hands, how many were at the last two city council meetings. Those who haven't attended don't know what is going on. Mayor is not a tyrant. Every ordinance and resolution has to be voted upon by the council. If the city council votes no, that vote stands, the mayor cannot reverse that decision. The city council has more authority than what we've been lead to believe. He has consistently attended city council meetings. He has been the chairman of the planning commission. Mr. Bill Bagley served well on city council. He was meticulous about the financial status of the city. R Cecil has lived here 8 years, he likes living here. After working on the planning commission he does not feel we need a city manager.
- Ross Brown asked if there were any long range plans for infrastructure in Providence. How do citizens gain access to that plan?
- Mayor said he could come to city council and get it on the agenda for discussion.
- R Sneddon passed around a city government cost and function analysis for 14 Utah Cities. He reviewed the handout.
- Mayor clarified this is just for a city manager position, not all other employees.
- Chad Checketts and Ryan Stolworthy asked for clarification on some of the numbers and the 38% benefits.
- R Sneddon answered those questions and clarified for the audience.
- K Allen commented that the Utah Retirement System, state and federal tax, insurance, social security, and health benefits add up to about 34-38%. Benefits shatter budgets.
- J Drew mentioned that he went out of his way to find people who disagreed with him on this idea. He went out to collect signatures to see what people had to say who didn't know him. Only one person said no to sign the petition. Citizens have questions and concerns about the status of the city. He answered a lot of questions for these citizens. He has lived here 10 years, knows a lot of people. City has doubled in size in the last 15 years. When people talk about Providence City government, there has been controversy as long as he's lived here. People need to be educated by experts who work with government agencies. Tansparent.utah.gov has more current information that what R Sneddon handed out tonight, which is 2014 salary information. He has spoken with many city managers about their role and experiences as city manager. He heard many of the same concerns from them that Providence City is facing. Everything does not get fixed with a city manager. David Church, who is the general counsel for Utah League of Cities and Towns, has said that city managers run a more efficient form of government and more cost effective. City council is the governing body and delegates duties to the Mayor. Elections were about voting for mayor and city council members, not what form of government Providence has. City manager will not necessarily

cost $120,000/year. There are options available that will cost much less.

- K Allen commented that he appreciates those who have put work into this and those who have come to give input. This is not complicated. There are pros and cos for city manager and for the mayoral form of government. Providence is a great city. If this city is so poorly run, why are people moving here all the time? Why are the ball parks open and running late at night? Why do people want to be buried in Providence City Cemetery? Why does Providence have the highest property values in the valley? Providence has been well managed and well served by past councils and mayors. These are not easy jobs. We've had great mayors who have served us well. People who work for the city want to work for the city. He does not want to abandon the mayoral form of government right now. Professionals may not be willing to leave lucrative professions to come to Providence and be a city manager. He hopes for an educated vote by the public. He would like to make sure the voice of the people is heard.
- J Baldwin agreed with K Allen, this needs to be an educated vote. He is not on one side or the other. The issue is city manager or mayor form of government like we have now. He has confidence in the integrity of individuals currently running the city. He does not feel there has been a good reason presented to switch from one form of government to another. A mayor or a city manager can ruin the city if they serve/work without integrity. There is a definite financial aspect to this as the city will be hiring another employee. Do the citizens want to go to that expense? How does one find out about a master plan for the city? Go to the city council or planning commission meetings. There is a master plan for roads and just about every facet of the city. Generally the planning commission meeting is pretty empty, as well as city council meeting. Individuals are responsible for knowing what is going on in the city. Nobody in the council or the city office will refuse to help someone get information that is requested. On accountability, the city has gone through some struggles in the last 6 months. City council made decisions that were well within the law. Legal advice was sought, as it should have been. Engineers are hired by the city to oversee the city. Hiring a city manager that is a city engineer will not get us out of hiring other professional engineers. Whether we have a city manager or mayoral form of government, no one person should have absolute say over what happens in the city. Council has been very responsive to the citizens when it comes to addressing issues that come up. Road repairs are very costly. Nobody in Providence is going to get a brand new road. Providence does not have the worst roads in the community. If anyone wants to clarify the definition of nepotism, go to Utah code and read it for their selves; then decide if the city is in violation of that code. The council has worked for a long period of time to try and resolve the issues that have been a concern. Changing to a city manager may have some benefits, but it will not make all problems in Providence go away.
- D Giles thanked audience members for coming out. He helped get petitions signed. His son is a city manager for Smithfield City and he answers to the city council. He will evaluate the information he has and make a decision.
- Mayor said this year $800,000 has been budgeted for roads with council approval. Furhriman Drive, 300 East and all three blocks of 400 South will be taken care of. One million square feet of blacktop will go on roads this year, about 20-25 streets. In addition, the city has received $1.23M from the county to extend Gateway Drive. On 400 South, council approved 29 feet of asphalt will go down and another $300,000 will be requested from the council for that street. Council makes these decisions. He is responsible for city staff.
- Jonathan Kay, audience member asked if more road work was done because oil prices were down.
- Mayor said it had been scheduled for last year, but it didn't get done. S Bankhead said yes, oil prices made a difference.
- There was a question from an audience member about rushing to purchase the building in order to meet a budget deadline and why the meeting wasn't cancelled so that all council members could be in attendance.
- S Bankhead said there was a budget adjustment in May from funds that had been received in prior years and that hadn't been spent. Then the 2015 budget was adjusted and in order to spend that money, it had to be spent before June 30 or there would have been another budget adjustment. Money had been allocated in the 2015 budget and it had to be spent before June 30, 2015.

Motion to adjourn meeting at Providence Elementary and resume at Providence City Office Building: J Baldwin, second – D Giles

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

There was a short recess at 9:00 pm and the city council meeting continued at the Providence City Office Building at 9:10 pm..

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

R Stapley:

- K Allen asked about the Ha5 seal. He is seeing cracks in some roads that have the treatment. Is the Ha5 supposed to be flexible?
- R Stapley said the problems are because of high density use in Providence, sinking of roads and water damage. He is still going through the selection process deciding which roads will receive Ha-5 application, which roads will receive a different application, and which roads are dead and need to have a new overlay or be rebuilt. In about two weeks there will be a pre-comb on the million sf of road that will get new asphalt. Crack seal crew will be here by end of April.
- Divers are scheduled to be here to clean reservoirs May 5.
- Bids are coming in from two different companies for quotes for cleaning the sewers. Rob will start an annual routine of systematic cleaning of the collection system.
- Collection boxes and drop boxes for storm water are being cleaned. There is a lot of silt and that builds over the year.
- Parks – busy with soccer, baseball, softball. All restrooms are open.
- R Sneddon asked if the road aggregate and minerals in the rock on the roads will make a difference in the life of the Ha5.
- J Baldwin said he hasn't seen any reaction on the roads between the Ha5 and the asphalt.
- R Stapley said he really likes the Ha5 product. It is a good product. If the pavement is clean and in good condition, the Ha5 is one of the best treatments that can go down, if the road isn't in good condition, another type of treatment has to go down.
- S Bankhead said we put this on new roads for longevity, so people get frustrated that new roads are being treated when the road in front of their home is completely falling apart.
- R Stapley said the earlier some of these applications go down, the longer the road will last.
- K Allen felt 95% of the bumps are from old sewer lines. R Stapley agreed.

Skarlet Bankhead:

- Financial report was given to the council. Invoice register is in the report. The council may call or email for questions or concerns.

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.

- D Giles – no report.
- J Drew attended planning and zoning. It was a full room with Danny Macfarlane, Stan Checketts and audience members. Everyone left pleased. Dayton Crites explained what the newly proposed trail will be like. It will be moved to follow the ancient Bonneville Lake Shoreline. It will be less trail maintenance, less slope and less erosion. It was well received. The roadway will open the land for development. Challenge is infrastructure issues. Stan Checketts will donate land for the reservoir. Chad Checketts said he will also donate land.
- R Sneddon - no report.
- K Allen said the slope in the Little Baldy subdivision will have to be watched as subsequent development comes in. He felt the meeting at the school was a great meeting. He appreciates the work of R Sneddon and J Drew to get information to the citizens and the council. He feels the city has been well run, but that does not mean it cannot be run better. Codes need to be addressed.
- J Drew felt there were plenty of challenges ahead with all the growth coming to Providence.
- J Baldwin felt the meeting was informative.
- Mayor Calderwood said Stan's preliminary plan road will open lots for building. That will be a challenge

for water. Currently we are okay and do not need another reservoir, but with the coming development it will need to be addressed. The apartment complex on Gateway and Stan's 38 homes will not impact water.

- J Drew asked about the impact study.
- S Bankhead said Max Pierce has put some numbers together, still waiting for more information. RFP will need to go out for impact study and then they can go forward. They need a definite engineering plan before the RFP can be done. Rob, Tara and Skarlet are going to a conference on water rights put on by Rural Water and Division of Water Quality. Next week she will attend a Government Finance Officers meeting in St. George. She will try to have the report by the first meeting in May so it can be discussed as part of the budget.
- R Sneddon asked if there are any water rights the city can purchase for the summer.
- S Bankhead said she isn't aware of anyone selling rights in the Providence area. It is quite a process to get the State engineer to transfer that water and get it changed to municipal use. There are people willing to sell in Spring Creek and Blacksmith Fork, but we have a cap for purchase of water shares, so people are able to sell shares at a higher rate on the open market. We would have to be more competitive on the purchase price if we want to start purchasing water shares.
- R Sneddon said he is asking because of water usage in summer.
- R Stapley said our winter right is abundant and we have to make sure we can use those water rights (prove beneficial uses). The reservoir is just where it needs to be to start discussion and the planning process. We have a lot more winter rights than we will ever need.
- R Sneddon said if Stan Checketts could use irrigation water on those estates, we buy time for wells for culinary water.
- R Stapley said staff is studying the feasibility of moving water into the new subdivision. Moving water is always a concern. Rob felt Stan didn't want to be involved in secondary water for his subdivision.
- Mayor recommended R Sneddon visit with the Spring Creek Water Board. There are no laterals up in that subdivision.
- J Drew said the city is in good shape as far as water rights go. We probably would not buy water rights; it's not necessary.

Executive Session Notice:

The Executive Sessions, if held, will be held at the Providence City Office Building, 15 South Main, Providence UT

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 executive session: J Baldwin, second – R Sneddon

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

Motion to close City Council meeting: J Baldwin, second – D Giles

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

Meeting adjourned at 9:34 pm.

Minutes recorded and prepared by C Craven.

Don W. Calderwood, Chairman

Skarlet Bankhead, City Recorder

Providence City

15 South Main Street
Providence, UT 84332
(435) 752-9441 • Fax: (435)753-1586

PROVIDENCE CITY COUNCIL
NOTICE OF PUBLIC HEARING

Hearing Date:	April 26, 2016
Hearing Time:	6:15 PM
Hearing Location:	Providence City Office Building, 15 South Main, Providence UT

Pursuant to UCA 10-9a-609.5(2) the Providence City Council is holding a public hearing to receive public comment on a petition to vacate a portion of 1250 South located in the Providence Highlands Subdivision between Parcels 02-203-0015 and 02-203-0016, (Lot 15, 1249 Hidden View Lane and Lot 16, 634 East 1250 South, respectively). The City Council invites you to attend the hearing in order to offer your comments.

If you are disabled and/or need assistance to attend the public hearing, please call 435-752-9441 before 5:00 pm on the day of the meeting.

Skarlet Bankhead
City Recorder

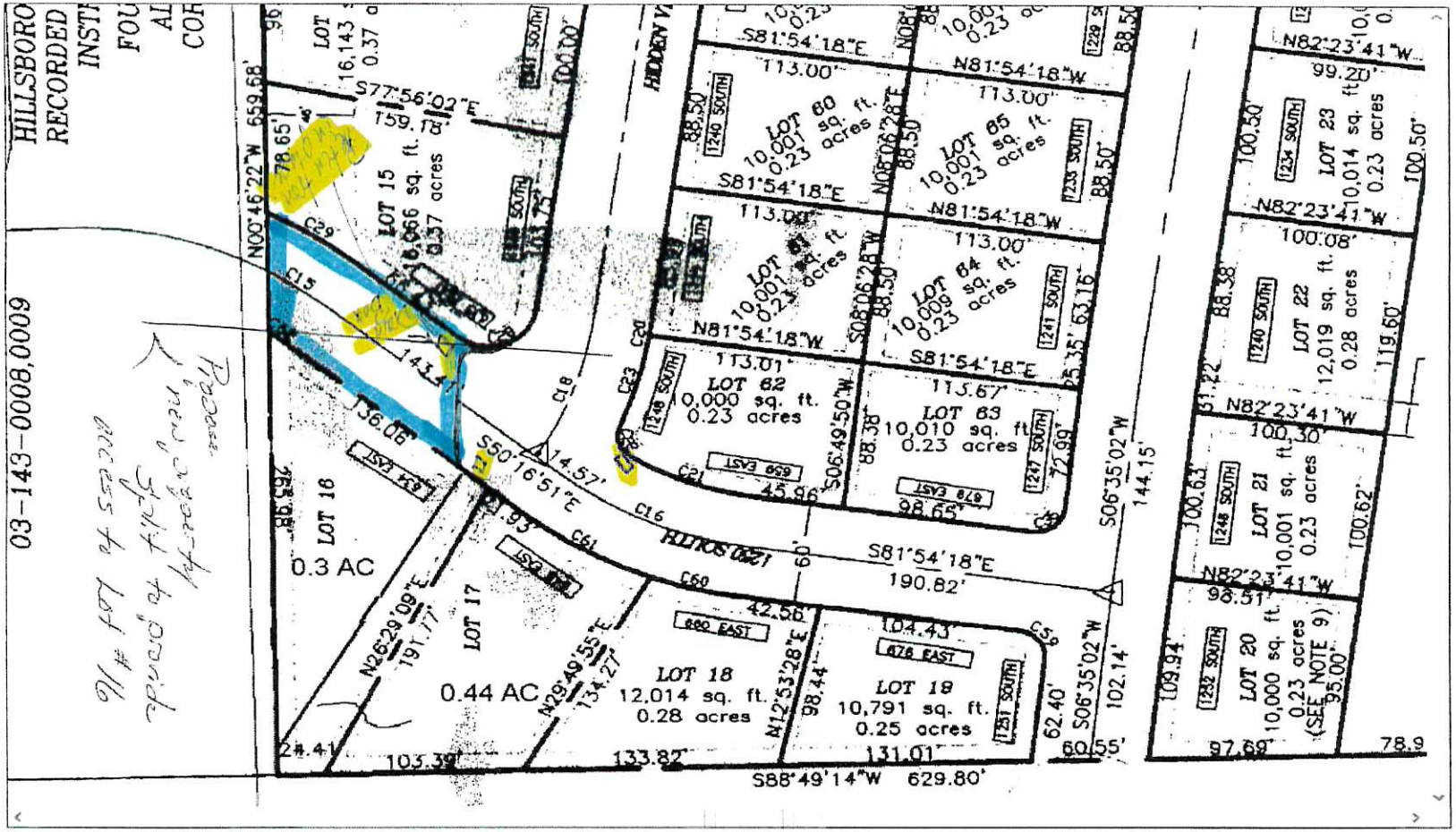
Newspaper Publication Date(s): April 16, 2016

Posting Date: April 16, 2016
Posted on www.providencecity.com and the Utah Public Notice Website

View Scanned Document for Entry Number : Maps for - 02-203-0015

Map(s) for

Show Thumbnails



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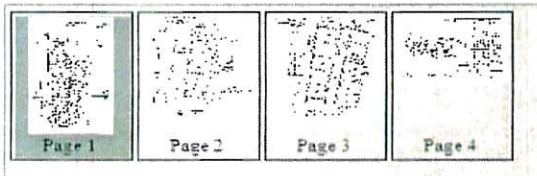


Close

start Recorder 3:56 PM

Resolution 016-2016

A RESOLUTION APPOINTING MICHAEL HARBIN AS AN ALTERNATE MEMBER OF THE PROVIDENCE CITY PLANNING COMMISSION

WHEREAS there is a vacancy on the Providence City Planning Commission for an alternate member:

- Providence City Code 2-1-1:C. states *"the City Council may appoint one (1) or two (2) alternate members of the Planning Commission, who shall serve in the absence of a member or members of the Planning Commission under rules established by the Planning Commission."*
- Michael Harbin has expressed interest in serving on the Planning Commission.
- Mayor Calderwood requests that the City Council consider Michael Harbin for appointment as an alternate member on the Providence City Planning Commission.

THEREFORE be it resolved by the Providence City Council:

- Michael Harbin was considered for appointment to the Providence City Planning Commission as an alternate member; and
- Michael Harbin is hereby appointed to serve as an alternate member, with his term beginning April 27, 2016 and expiring April 30, 2019; and
- This resolution shall become effective immediately upon passage.

Passed by vote of the Providence City Council this 26 day of April, 2016.

Council Vote:

Allen, Kirk	() Yes	( ) No ( ) Excused	( ) Abstained	( ) Absent
Baldwin, Jeff	() Yes	( ) No ( ) Excused	( ) Abstained	( ) Absent
Drew, John	() Yes	( ) No ( ) Excused	( ) Abstained	( ) Absent
Giles, Dennis	() Yes	( ) No ( ) Excused	( ) Abstained	( ) Absent
Sneddon, Roy	() Yes	( ) No ( ) Excused	( ) Abstained	( ) Absent

Providence City

_____

Don W Calderwood, Mayor

Attest:

_____

Skarlet Bankhead, Recorder

Resolution 017-2016

A RESOLUTION APPROVING THE INTERLOCAL AGREEMENTS BETWEEN CACHE COUNTY AND PROVIDENCE CITY FOR LAW ENFORCEMENT SERVICES

WHEREAS UCA § 10-7-717 Purpose of resolutions, states, "Unless otherwise required by law, the governing body may exercise all administrative powers by resolution . . ."

WHEREAS Providence City desires to provide for the health, safety, and welfare, and promote the prosperity, peace and good order, comfort, convenience, and aesthetics of the City and its present and future inhabitants and businesses.

WHEREAS Providence City contracts with Cache County for law enforcement services:

- Cache County has submitted the attached agreement for law enforcement services starting July 1, 2016 through June 30, 2017;
    - The attached agreement states the cost to furnish service is $48.53 per hour.
    - The contract is for 1498 hours of service for a total of $72,697.

THEREFORE be it resolved by the Providence City Council:

- the attached Agreement between Providence City and Cache County for Law Enforcement services shall be approved;
- The Mayor and City Recorder are authorized to execute both agreements;
- This resolution shall become effective immediately upon passage.

Passed by vote of the Providence City Council this 26 day of April, 2016.

Council Vote:				
Allen, Kirk	() Yes	( ) No ( ) Excused	( ) Abstained	( ) Absent
Baldwin, Jeff	() Yes	( ) No ( ) Excused	( ) Abstained	( ) Absent
Drew, John	() Yes	( ) No ( ) Excused	( ) Abstained	( ) Absent
Giles, Dennis	() Yes	( ) No ( ) Excused	( ) Abstained	( ) Absent
Sneddon, Roy	() Yes	( ) No ( ) Excused	( ) Abstained	( ) Absent

Providence City

_____

Don W Calderwood, Mayor

Attest:

_____

Skarlet Bankhead, Recorder

AN INTERLOCAL AGREEMENT BETWEEN

CACHE COUNTY

AND

PROVIDENCE CITY

FOR

LAW ENFORCEMENT SERVICES

This AGREEMENT is made and entered into pursuant to Section 11-13-1, Utah Code Annotated, 1953, as amended, commonly referred to as the Interlocal Cooperation Act, by and between Cache County, a body corporate and politic of the State of Utah, hereinafter referred to as "COUNTY", and Providence City, a municipal corporation of the State of Utah, hereinafter referred to as "CITY."

W I T N E S S E T H:

WHEREAS, the CITY is desirous of contracting with the COUNTY for the performance of the hereinafter described law enforcement functions within its boundaries by the County of Cache through the Sheriff thereof; and

WHEREAS, the CITY and the COUNTY have determined that it is mutually advantageous to each party to enter into this Agreement; and

WHEREAS, it is anticipated that the services provided will be compensated by the CITY on a cost basis as hereinafter set forth and the respective entities have determined and agreed that the said amount is a reasonable, fair and adequate compensation for the providing of such services.

NOW, THEREFORE, in consideration of the promises and in compliance with and pursuant to the terms and provisions of the Inter-local Cooperation Act as herein above set forth, the parties hereby agree as follows:

1. The Cache County Sheriff's Office agrees to furnish all necessary law enforcement protection and to enforce State laws and City ordinances (animal control not included,

except for emergencies) within the corporate limits of Providence City, to the extent and in the manner hereinafter set forth.

2. The rendition of such services, the standards of performance, the discipline of deputies, and other matters incident to the performance of such services and the control of personnel so employed shall remain in the COUNTY. In the event of a dispute between the parties as to the extent of duties and functions to be rendered hereunder, or the minimum level or manner of performance of such services, the determination thereof made by the Sheriff of the COUNTY shall be final and conclusive as between the parties hereto.

3. Without limiting, and in addition to any and all other legal and equitable remedies, the CITY'S Mayor and Council or other representatives, shall have an opportunity to meet and confer with the Sheriff and/or his designated contract representative to discuss any problems arising from its performance, the types of deputies who will be performing services under this Agreement, and the anticipated costs for renewing this contract for any successive period(s).

4. It is agreed that the Cache County Sheriff's Office will furnish all necessary law enforcement investigation, protection and service 24-hours per day to reasonably enforce all State laws, Federal statutes as far as they are applicable, and city ordinances as follows:

   A. Municipal type police services provided under this Agreement include city ordinance enforcement (animal control not included, except for emergencies), traffic enforcement, routine patrol and minor crime investigation, responding to calls for service, community policing activities, policing public parades and other special public events.

   B. It is agreed that the Sheriff's Office shall continue to provide to the CITY as a basic level of county-wide service the following: Investigation Division support (major crime investigation), NOVA program, School Resource program, Reserve Deputy Sheriff Corp support, Civil Division support (civil and criminal process),

emergency management, search and rescue functions, and Drug Task Force participation.

C. It is agreed that the cost per hour for municipal type law enforcement services shall be determined by the Sheriff and the number of hours of service shall be determined by the CITY. The costs and hours of service are detailed in Exhibit A attached.

D. The CITY will insure that all monies allocated to the CITY by the State's Liquor Control Act grant will be forwarded to the COUNTY to be expended on liquor law enforcement activities exclusively within the CITY.

E. It is agreed that the equipment furnished by the CITY is and shall remain the property of the CITY. If said property is a patrol vehicle it shall be maintained, fueled, and insured by the COUNTY during the period of this Agreement.

F. The COUNTY will maintain, at the minimum, the following records and provide monthly reports of those records to the CITY pursuant to this agreement:

i. The number and type of calls for services (incidents), and

ii. The number and type of citations, and

iii. The number and type of warnings, and

iv. The numbers of hours of service provided.

5. For the purpose of performing the services provided herein, the COUNTY shall furnish all necessary labor, administration, equipment, uniforms, insignia, firearms and other equipment necessary and incident to a modern law enforcement agency.

6. It is agreed that in all instances where special supplies, stationary, notices, forms, and the like must be issued in the name of the CITY, the same shall be supplied by the CITY at its own expense.

7. For the purpose of performing the services and functions pursuant to this agreement;

A. For the purpose of giving official status to the performance thereof, every COUNTY sheriff's deputy and employee engaged in performing any such service and function shall be deemed to be officer or employee of the CITY. For purposes of liability, COUNTY deputies or employees shall not be deemed to be

CITY officers or employees and the COUNTY shall be completely responsible for them as provided in paragraphs 8 through 11.

B. All sheriff's deputies and employees employed by the COUNTY to perform duties under the terms of this Agreement shall be COUNTY employees, and shall have no right to any CITY pension, civil service, or any other CITY benefits for services provided hereunder.

C. The sheriff's deputies and employees to be provided under the terms of this Agreement shall be appointed by the Cache County Sheriff's Office under its normal rules and practices of selection and hiring.

8. Subject to the provisions and limitations of the Governmental Immunity Act of Utah, the CITY shall be responsible for all damages to persons or property that occurs as a result of the negligence or fault of the CITY in connection with the performance of this Agreement. The CITY shall indemnify and save the COUNTY free and harmless from all claims that arise as a result of the negligence or wrongful acts of the CITY, its officers, agents or employees.

9. Subject to the provisions and limitations of the Governmental Immunity Act of Utah, the COUNTY shall be responsible for all damages to persons or property that occurs as a result of the negligence or fault of the COUNTY in connection with the performance of this Agreement. The COUNTY shall indemnify and save the CITY free and harmless from all claims that arise as a result of the negligence or wrongful acts of the COUNTY, its officers, agents, and employees.

10. Except as herein otherwise specified, the CITY shall not be liable for any worker's compensation claim to any COUNTY employee for injury or sickness arising out of his or her employment, and the COUNTY hereby agrees to hold harmless the CITY against any such claim.

11. Unless sooner terminated as provided for herein, this Agreement shall be effective July 1, 2016 and shall run for a one year period. With the consent of the Providence City Council, this Agreement may be renewable for successive one year periods. The Sheriff shall be the administrator of this Agreement.

In the event the CITY desires to renew this Agreement for any succeeding one year period, the CITY Council, not later than May 1st next preceding the expiration date of this Agreement, shall notify the Sheriff that it wishes to renew the same, whereupon the Sheriff, not later than May 15th, may notify said CITY Council of his or her determination concerning such renewal together with any readjusted rates as provided in paragraph 14 below, otherwise, such agreement shall finally terminate at the end of such one year period.

Notwithstanding the provision of this paragraph hereinbefore set forth, either party may terminate this Agreement at any time by giving 60 days prior written notice to the other party.

12. The CITY agrees to pay the amount set forth in Exhibit A, which is attached hereto and incorporated herein by reference, for the services provided pursuant to this Agreement. The rates in Exhibit A may be readjusted to be effective July 1st of each year, if this agreement is renewed, to reflect the cost of such service as determined by the Sheriff.

13. The CITY agrees to remit the contract amount to the Cache County Auditor, 179 North Main Street, Logan, Utah 84321 on or before December 31, 2016. If such payment is not remitted to the County Auditor's Office when due, the COUNTY is entitled to recover interest thereon at the rate of 1 per cent per calendar month in which the services were rendered.

IN WITNESS WHEREOF, the City of Providence, by approval of the Providence City Council, caused this Agreement to be signed by its Mayor and attested by its Clerk, and the County of Cache, has caused this Agreement to be signed by the County Executive and Attested by its Clerk and Keeper of the County Seal, all on the day and year appearing below their respective signatures.

Cache County
Approved as to form and as
Compatible with State law:

_____ _____

Legal Counsel Craig Buttars, County Executive

ATTEST: (seal)

_____

Clerk

CITY OF Providence
Approved as to form and as
Compatible with State law:

_____ _____

Legal Counsel Mayor

ATTEST: (seal)

_____

Clerk

EXHIBIT A

This exhibit details the hours contracted for, the cost of those hours, and when they will be delivered. The time frame of the contract will be from July 1, 2016 through June 30, 2017. The cost to furnish a full-time deputy sheriff equipped to perform law enforcement patrol services to CITY is $48.53 per hour. State Liquor Control Funds will be expended at $48.53 per hour.

CATEGORY	AMOUNT	HOURS OF SERVICE
Contract Funds	$ 72,697.94	1,498
TOTAL	$ 72,697.94	

State Liquor Funds can be paid to the COUNTY as the CITY receives them. The CITY agrees to meet or exceed the level of State Liquor Funds identified above.

The COUNTY will supply, at the direction of the Sheriff, approximately 2,227 hours additional patrol coverage as available to the CITY.

The CITY shall be charged for only one deputy when that deputy has an additional deputy in training working with them. Reserve deputies while performing their volunteer function will not charge their time to the CITY.

Resolution 018-2016

A RESOLUTION APPROVING THE INTERLOCAL AGREEMENTS BETWEEN CACHE COUNTY AND PROVIDENCE CITY FOR ANIMAL CONTROL SERVICES

WHEREAS UCA § 10-7-717 Purpose of resolutions, states, "Unless otherwise required by law, the governing body may exercise all administrative powers by resolution . . ."

WHEREAS Providence City desires to provide for the health, safety, and welfare, and promote the prosperity, peace and good order, comfort, convenience, and aesthetics of the City and its present and future inhabitants and businesses.

WHEREAS Providence City contracts with Cache County for animal control services:

- Cache County has submitted the attached agreement for animal control services starting July 1, 2016 through June 30, 2017.
    - The attached agreement states the cost to furnish service is $32 per hour.
    - The contract is for 679 hours of service for a total of $21,728.

THEREFORE be it resolved by the Providence City Council:

- the attached Agreement between Providence City and Cache County for Animal Control services shall be approved;
- The Mayor and City Recorder are authorized to execute both agreements;
- This resolution shall become effective immediately upon passage.

Passed by vote of the Providence City Council this 26 day of April, 2016.

Council Vote:

Allen, Kirk	() Yes	( ) No ( ) Excused	( ) Abstained	( ) Absent
Baldwin, Jeff	() Yes	( ) No ( ) Excused	( ) Abstained	( ) Absent
Drew, John	() Yes	( ) No ( ) Excused	( ) Abstained	( ) Absent
Giles, Dennis	() Yes	( ) No ( ) Excused	( ) Abstained	( ) Absent
Sneddon, Roy	() Yes	( ) No ( ) Excused	( ) Abstained	( ) Absent

Providence City

_____

Don W Calderwood, Mayor

Attest:

_____

Skarlet Bankhead, Recorder

AN INTERLOCAL AGREEMENT BETWEEN

CACHE COUNTY

AND

PROVIDENCE CITY

FOR

ANIMAL CONTROL SERVICES

This AGREEMENT is made and entered into pursuant to Section 11-13-1, Utah Code Annotated, 1953, as amended, commonly referred to as the Interlocal Cooperation Act, by and between Cache County, a body corporate and politic of the State of Utah, hereinafter referred to as "COUNTY", and Providence City, a municipal corporation of the State of Utah, hereinafter referred to as "CITY."

W I T N E S S E T H:

WHEREAS, the CITY is desirous of contracting with the COUNTY for the performance of the hereinafter described animal control functions within its boundaries by the County of Cache through the Sheriff thereof; and

WHEREAS, the CITY and the COUNTY have determined that it is mutually advantageous to each party to enter into this Agreement; and

WHEREAS, it is anticipated that the services provided will be compensated by the CITY on a cost basis as hereinafter set forth and the respective entities have determined and agreed that the said amount is a reasonable, fair and adequate compensation for the providing of such services.

NOW, THEREFORE, in consideration of the promises and in compliance with and pursuant to the terms and provisions of the Interlocal Cooperation Act as herein above set forth, the parties hereby agree as follows:

1. The Cache County Sheriff's Office agrees to furnish all necessary animal control and to enforce State laws and City ordinances within the corporate limits of Providence City, to the extent and in the manner hereinafter set forth.
2. The rendition of such services, the standards of performance, the discipline of deputies, and other matters incident to the performance of such services and the control of

personnel so employed shall remain in the COUNTY. In the event of a dispute between the parties as to the extent of duties and functions to be rendered hereunder, or the minimum level or manner of performance of such services, the determination thereof made by the Sheriff of the COUNTY shall be final and conclusive as between the parties hereto.

3. Without limiting, and in addition to any and all other legal and equitable remedies, the CITY'S Mayor and Council or other representatives, shall have an opportunity to meet and confer with the Sheriff and/or his designated contract representative to discuss any problems arising from its performance, the types of employees who will be performing services under this Agreement, and the anticipated costs for renewing this contract for any successive period(s).

4. It is agreed that the Cache County Sheriff's Office will furnish all animal control services which fall under regular business hours from 8:00 am to 6:00 pm, Monday thru Friday, and all *emergency* animal control services 24-hours per day, to reasonably enforce all state laws, federal statutes as far as they are applicable, and city ordinances as follows:

   A. Investigate complaints from the public regarding animal bites, nuisance, stray, uncontrolled, dangerous, wild, or diseased *domestic* animals. *Emergency animal control services will include the following: vicious animals, animal bites and traffic hazards involving domestic animals or livestock.*

   B. Patrol assigned areas, respond to calls for service, and issue citations for violations of animal regulations, ordinances, or laws.

   C. Impound stray, vicious, or diseased *domestic* animals or *livestock* according to city or state regulations, ordinance, or laws.

   D. It is agreed that the cost per hour for animal control services shall be determined by the Sheriff and the number of hours of service shall be determined by the CITY. The costs and hours of service are detailed in Exhibit A attached.

   E. It is agreed that the equipment furnished by the CITY is and shall remain the property of the CITY. If said property is a vehicle it shall be maintained, fueled, and insured by the COUNTY during the period of this Agreement.

5. For the purpose of performing the services provided herein, the COUNTY shall furnish all necessary labor, administration, equipment, uniforms, insignia, and other equipment necessary and incident to full fill animal control function.

6. It is agreed that in all instances where special supplies, stationary, notices, forms, and the like must be issued in the name of the CITY, the same shall be supplied by the CITY at its own expense.

7. For the purpose of performing the services and functions pursuant to this agreement;

   A. For the purpose of giving official status to the performance thereof, every COUNTY sheriff's deputy and employee engaged in performing any such service and function shall be deemed to be officer or employee of the CITY. For purposes of liability, COUNTY deputies or employees shall not be deemed to be CITY officers or employees and the COUNTY shall be completely responsible for them as provided in paragraphs 8 through 11.

   B. All sheriff's deputies and employees employed by the COUNTY to perform duties under the terms of this Agreement shall be COUNTY employees, and shall have no right to any CITY pension, civil service, or any other CITY benefits for services provided hereunder.

   C. The sheriff's deputies and employees to be provided under the terms of this Agreement shall be appointed by the Cache County Sheriff's Office under its normal rules and practices of selection and hiring.

8. Subject to the provisions and limitations of the Governmental Immunity Act of Utah, the CITY shall be responsible for all damages to persons or property that occurs as a result of the negligence or fault of the CITY in connection with the performance of this Agreement. The CITY shall indemnify and save the COUNTY free and harmless from all claims that arise as a result of the negligence or wrongful acts of the CITY, its officers, agents or employees.

9. The CITY shall be responsible and indemnify COUNTY for any costs associated with the housing of impounded animals or any other costs associated with the Animal Welfare Act of Utah.

10. Subject to the provisions and limitations of the Governmental Immunity Act of Utah, the COUNTY shall be responsible for all damages to persons or property that occurs as a result of the negligence or fault of the COUNTY in connection with the performance of this Agreement. The COUNTY shall indemnify and save the CITY free and harmless from all claims that arise as a result of the negligence or wrongful acts of the COUNTY, its officers, agents, and employees.

11. Except as herein otherwise specified, the CITY shall not be liable for any workers' compensation claim to any COUNTY employee for injury or sickness arising out of his or her employment, and the COUNTY hereby agrees to hold harmless the CITY against any such claim.

12. Unless sooner terminated as provided for herein, this Agreement shall be effective July 1, 2016 and shall run for a one year period. With the consent of the Providence City Council, this Agreement may be renewable for successive one year periods. The Sheriff shall be the administrator of this Agreement.

    In the event the CITY desires to renew this Agreement for any succeeding one year period, the CITY Council, not later than May 1st next preceding the expiration date of this Agreement, shall notify the Sheriff that it wishes to renew the same, whereupon the Sheriff, not later than May 15th, may notify said CITY Council of its determination concerning such renewal together with any readjusted rates as provided in paragraph 14 below, otherwise, such agreement shall finally terminate at the end of such one year period. Notwithstanding the provision of this paragraph hereinbefore set forth, either party may terminate this Agreement at any time by giving 60 days prior written notice to the other party.

13. The CITY agrees to pay the amount set forth in Exhibit A, which is attached hereto and incorporated herein by reference, for the services provided pursuant to this Agreement. The rates in Exhibit A may be readjusted to be effective July 1st of each year, if this agreement is renewed, to reflect the cost of such service as determined by the Sheriff.

14. The CITY agrees to remit the contract amount to the Cache County Auditor, 179 North Main Street, Logan, Utah 84321 on or before December 31, 2016. If such payment is not remitted to the County Auditor's Office when due, the COUNTY is entitled to recover

interest thereon at the rate of 1 per cent per calendar month in which the services were rendered.

DRAFT

IN WITNESS WHEREOF, the City of Providence, by approval of the Providence City Council, caused this Agreement to be signed by its Mayor and attested by its Clerk, and the County of Cache has caused this Agreement to be signed by the County Executive and Attested by its Clerk and Keeper of the County Seal, all on the day and year appearing below their respective signatures.

Cache County
Approved as to form and as
Compatible with State law:

_____
Legal Counsel

_____
Craig Buttars, County Executive

ATTEST: (seal)

_____
Clerk

CITY OF Providence
Approved as to form and as
Compatible with State law:

_____
Legal Counsel

_____
Mayor

ATTEST: (seal)

_____
City Recorder

EXHIBIT A

This exhibit details the hours contracted for, the cost of those hours, and when they will be delivered. The time frame of the contract will be from July 1, 2016 through June 30, 2017. The cost to furnish animal control services to Providence City is $32.00 per hour.

CATEGORY	AMOUNT	HOURS OF SERVICE
Contract Funds	$ 21,728.00	679
TOTAL	$ 21,728.00	

Ordinance No. 2016-008

AN ORDINANCE VACATING A PORTION OF 1250 SOUTH LOCATED IN THE PROVIDENCE HIGHLANDS SUBDIVISION BETWEEN PARCELS 02-203-0015 AND 02-203-0016, (LOT 15, 1249 HIDDEN VIEW LANE AND LOT 16, 634 EAST 1250 SOUTH, RESPECTIVELY).

WHEREAS UCA § 10-3-702 states "The governing body may pass any ordinance to regulate, require, prohibit, govern, control or supervise any activity, business, conduct or condition authorized by this act or any other provision of law. . ." and

WHEREAS Providence City desires to provide for the health, safety, and welfare, and promote the prosperity, peace and good order, comfort, convenience, and aesthetics of each municipality and its present and future inhabitants and businesses, to protect the tax base, to secure economy in governmental expenditures, to foster the state's agricultural and other industries, to protect both urban and nonurban development, to protect and ensure access to sunlight for solar energy devices, to provide fundamental fairness in land use regulation, and to protect property values in areas that may be considered sensitive, including but not limited to fire danger, slope, soil content.

WHEREAS Providence City received a request to vacate a portion of 1250 South located in the Providence Highlands Subdivision between Parcels 02-203-0015 and 02-203-0016, (Lot 15, 1249 Hidden View Lane and Lot 16, 634 East 1250 South, respectively).

- Pursuant to UCA 10-9a-609.5(2) the Providence City Council held a public hearing to receive public comment on a petition to vacate a portion of 1250 South located in the Providence Highlands Subdivision between Parcels 02-203-0015 and 02-203-0016, (Lot 15, 1249 Hidden View Lane and Lot 16, 634 East 1250 South, respectively).
- The Providence City Council feels good cause exists for the vacation; and neither the public interest nor any person will be materially injured by the vacation.
    - The existing right-of-way was dedicated with the intent that 1250 South would extend west to Hillsborough Drive. Efforts to purchase property in the Hillsborough Subdivision for the right-of-way to connect with Hillsborough Drive have been unsuccessful.
    - If the right-of-way is vacated, the lot lines for Lot 15, 1249 Hidden View Lane and Lot 16, 634 East 1250 South will be adjusted and Hidden View Drive will be modified to provide frontage access for Lot 16.

THEREFORE be it ordained by the Providence City Council

- The Providence City Council finds that there is good cause for the vacation; and neither the public interest nor any person will be materially injured by the vacation.
- The right-of-way, as indicated on the attached map, shall be vacated.
- This ordinance shall become effective immediately upon passage and posting.

Ordinance adopted by vote of the Providence City Council this 26 day of April 2016.

Council Vote:

Allen, Kirk	() Yes	( ) No ( ) Excused	( ) Abstained	( ) Absent
Baldwin, Jeff	() Yes	( ) No ( ) Excused	( ) Abstained	( ) Absent
Drew, John	() Yes	( ) No ( ) Excused	( ) Abstained	( ) Absent
Giles, Dennis	() Yes	( ) No ( ) Excused	( ) Abstained	( ) Absent
Sneddon, Roy	() Yes	( ) No ( ) Excused	( ) Abstained	( ) Absent

Signed by Mayor Don W Calderwood this day of April 2016.

Providence City

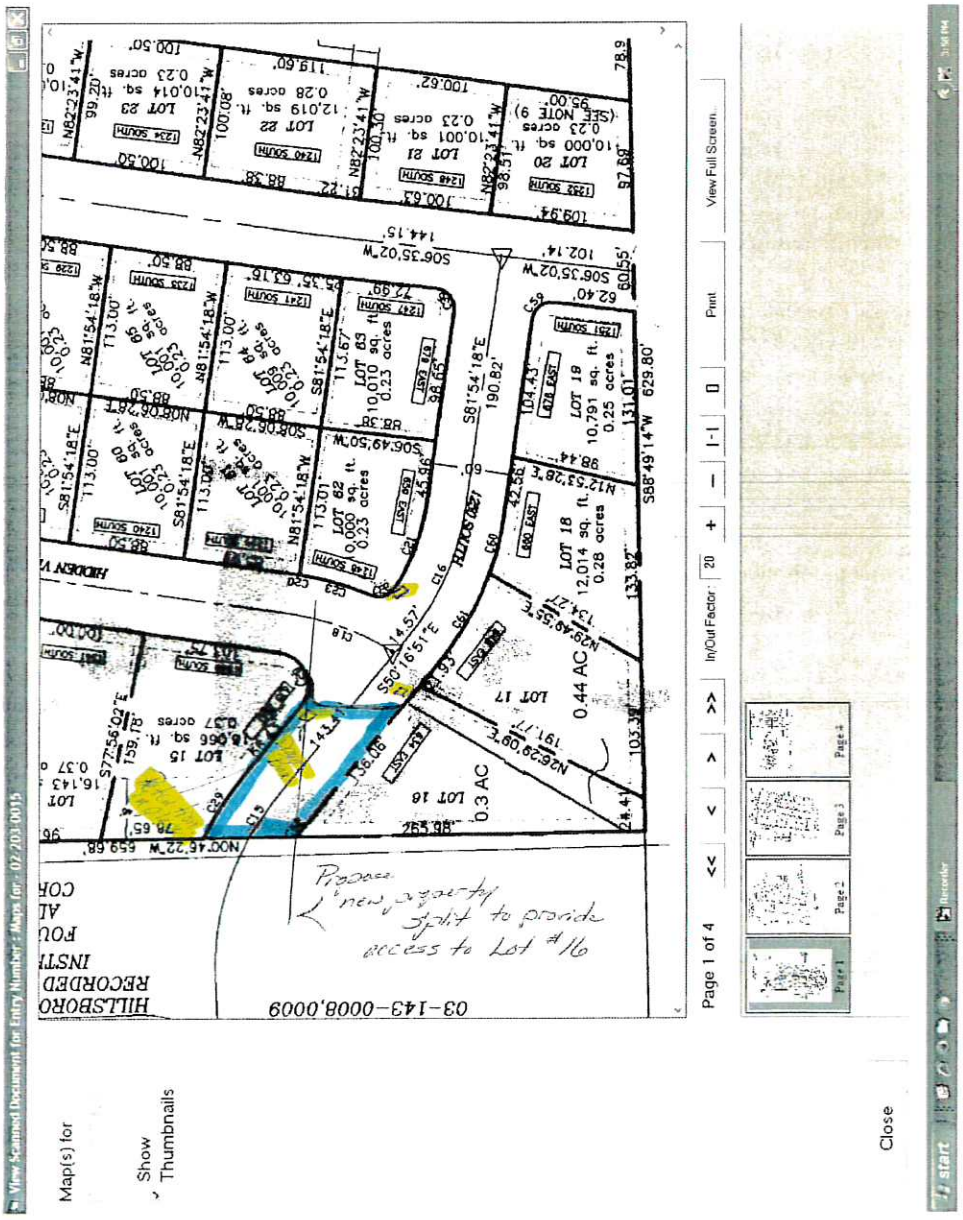
_____

Don W. Calderwood, Mayor

Attest:

_____

Skarlet Bankhead, Recorder



CITY OF PROVIDENCE RESOLUTION NO. 019-2016

A RESOLUTION TO INITIATE THE CREATION OF THE CACHE WATER DISTRICT

WHEREAS, Cache County is referred to herein as the "County"; and

WHEREAS, Amalga Town, Clarkston Town, Cornish Town, Hyde Park City, Hyrum City, Lewiston City, Logan City, Mendon City, Millville City, Newton Town, Nibley City, North Logan City, Paradise Town, Providence City, Richmond City, River Heights City, Smithfield City, Trenton Town, and Wellsville City are referred to herein collectively as the "Municipalities"; and

WHEREAS, the County and some or all of the Municipalities desire to place before their voters the creation of a local district under the Water Conservancy District Act, Utah Code Ann. § 17B-2a-1001 *et seq.*, as provided in this Resolution, to plan for and facilitate the long-term conservation, development protection, distribution, management and stabilization of water sources for domestic, irrigation, power, manufacturing, municipal, recreation and other beneficial uses at a reasonable cost to meet the needs of the residents and growing population of Cache County; and

WHEREAS, the Cache County Council intends to reduce the portion of the County-wide property tax that is utilized for water development by an amount equal to any property tax imposed by the new local district, which will result in a combined county and local district property tax rate that is revenue neutral and will not increase the property tax burden on any property for at least four (4) years; and

WHEREAS, Utah Code Ann. § 17B-1-203 provides that the process to create a local district may be initiated by a resolution adopted by the legislative body of each county whose unincorporated area includes, and each municipality whose boundaries include, any of the proposed local district; and

WHEREAS, the proposed local district will be created only after its creation has been approved by the voters residing within the district; and

WHEREAS, Providence City, being one of the Municipalities located within the boundaries of the proposed local district, desires to join with the County and other Municipalities in presenting the question of creating the proposed local district before their voters.

NOW THEREFORE, be it resolved and enacted by the Providence City Council as follows:

1. In order to allow the citizens of Providence City to vote on the creation of a water conservancy district, Providence City, concurrently with the County and other Municipalities, proposes the creation of a local district under the Water Conservancy District Act, Utah Code Ann. § 17B-2a-1001 *et seq.*, which may include all of the incorporated and unincorporated areas within the boundary of Cache County, Utah, as depicted in the map which is attached as Exhibit "A" to and incorporated as part of this Resolution, conditioned upon each Municipality located within the proposed boundary of the district passing a similar Resolution. If the legislative body

of any Municipality fails to adopt a similar Resolution, that Municipality may be excluded from the district.

2. The district that is proposed to be created will be known as the "Cache Water District," a water conservancy district located in a county of the third class.

3. The service proposed to be provided by the Cache Water District is the operation of a system, or one or more components of a system, for the collection, storage, retention, control, conservation, treatment, supplying, distribution, or reclamation of water, including storm, flood, irrigation, and culinary water, whether the system is operated on a wholesale or retail level or both, as provided in Utah Code Ann.§ 17B-1-202(1)(a)(xii).

4. The type of specialized local district that is proposed to be created is a water conservancy district, as provided in the Water Conservancy District Act, Utah Code Ann. § 17B-2a-1001 *et seq*.

5. The anticipated method of paying the costs of providing the proposed service is through the collection of ad valorem property taxes, service fees and charges, and/or levied assessments. It may be some time before the district will be able to provide water service and collect fees and charges for that service. Consequently, the district initially will be funded through Cache County, until the district establishes its own property tax assessment, at which time Cache County is to reduce its property tax rate by an equivalent amount as stated in the foregoing recitals.

6. The maximum property tax levy a water conservancy district can impose is 0.0001 per dollar before certain activities are commenced, 0.0002 per dollar after certain activities are commenced, and 0.0003 per dollar if an additional levy is necessary to pay maturing bonds or debts. The average home value in Cache County is $201,182, but the fair market value of residential property is allowed an exemption equal to a 45% reduction in the value of the property for property tax purposes. Taking these factors into consideration, the estimated average annual financial impact on a household within the proposed district will be as follows: the tax on a $201,182 residence would be $11.07 using a tax rate of 0.0001, $22.13 using a tax rate of 0.0002, and $33.20 using a tax rate of 0.0003. However, for at least the first four (4) years after the creation of the District, the net financial impact on a household may be zero if Cache County reduces its property tax rate by an amount equal to the new rate assessed by the district. Service fees and levied assessments cannot be estimated, and will be charged based upon actual water deliveries or contractually agreed upon amounts.

7. The number of members of the board of trustees of the proposed water conservancy district, consistent with Utah Code Ann. § 17B-1-302(2), will be eleven. The board of trustees will consist of ten elected trustees and one appointed trustee who will be elected or appointed, respectively, pursuant to the procedures set forth in Utah Code Ann. Title 17B, Chapter 1, Part 3 and § 17B-2a-1005. Seven of the elected Trustees will be elected from districts, with one trustee to be elected to represent each of the seven Cache County Council districts, as those districts may be established and modified from time-to-time pursuant to applicable law. The three remaining elected trustees will be elected County-wide. The one Trustee who is appointed by the Cache County Council will, pursuant to Utah Code Ann. § 17B-2a-1005(2)(d), be a person who owns irrigation rights and uses those rights as part of that person's livelihood. Regarding the ten elected trustee positions, the initial trustees will be

appointed by the Cache County Council pursuant to Utah Code Ann. §§ 17B-1-303 and 20A-1-512, with staggered terms and subsequent trustees to otherwise be elected as provided herein.

Approved and passed as of the date set forth below.

CITY OF PROVIDENCE

Dated: _____

By: _____
Mayor

Attest:

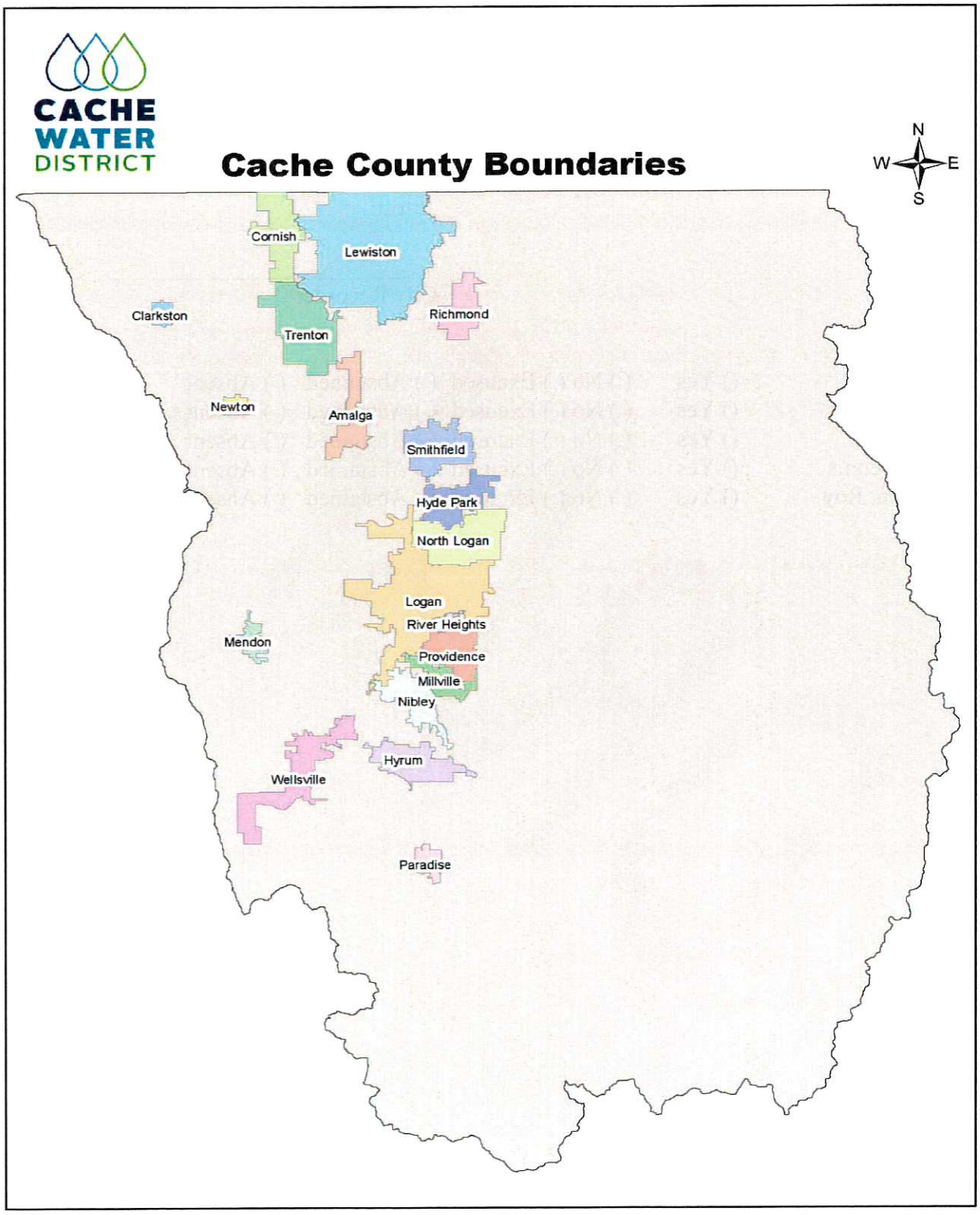
_____
City Recorder

Council Vote:

Allen, Kirk	() Yes	( ) No ( ) Excused	( ) Abstained	( ) Absent
Baldwin, Jeff	() Yes	( ) No ( ) Excused	( ) Abstained	( ) Absent
Drew, John	() Yes	( ) No ( ) Excused	( ) Abstained	( ) Absent
Giles, Dennis	() Yes	( ) No ( ) Excused	( ) Abstained	( ) Absent
Sneddon, Roy	() Yes	( ) No ( ) Excused	( ) Abstained	( ) Absent

DRAFT

EXHIBIT "A"
Map Depicting the Boundaries of the
Cache Water District



ORDINANCE NO. 2016-009

AN ORDINANCE ESTABLISHING A TEMPORARY LAND USE REGULATION FOR THE ADMINISTRATION OF LAND USE ORDINANCES.

WHEREAS, Utah Code Ann. §10-9a-504 allows municipal legislative bodies, without prior consideration of or recommendation from the planning commission, to enact an ordinance establishing a temporary land use regulation for any part or all of the area within the municipality if the legislative body makes a finding of compelling, countervailing public interest; and

WHEREAS, such a temporary land use regulation may take effect immediately upon passage and continue in effect for a period of time not to exceed six months; and

WHEREAS, the enactment of a land use regulation would otherwise require a more extended time period to allow for the review of the proposed regulation by the Planning Commission and to allow for public input; and

WHEREAS, the City Council wishes to allow for that Planning Commission review and for the public input to be provided for and accommodated without undue time pressure; and

WHEREAS, recent changes in the administrative structure of the City have eliminated the position of City Administrator; and

WHEREAS, the position of City Administrator is mentioned in the Land Use Regulations of the City as Administrative Director of the Planning Commission, as the chairperson of the Administrative Land Use Authority and as a member of the City Executive Staff in the Subdivision Ordinance; and

WHEREAS, Providence City has an obligation to provide for timely and efficient review of land use applications, permits and approvals; and

WHEREAS, the City cannot provide timely and efficient review of land use applications, permits, and approvals if the positions of Administrative Director of the Planning Commission, Chairperson of the Administrative Land Use Authority, and key member of the City Executive Staff as described in the Subdivision Ordinance remain vacant;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF PROVIDENCE CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Compelling, Countervailing Public Interest. This council hereby finds a compelling, countervailing public interest in protecting private property interests and in preserving the health, safety, and welfare of its present and future residents and property owners by continuing without interruption the ongoing functions of the Planning Commission and the Administrative Land Use Authority. This council further finds that such interests are not properly protected where the positions of Administrator of the Planning Commission and Chairperson of the Administrative Land Use Authority are vacant for an extended period of time.

Section 2. Temporary Land Use Regulation. Therefore, pursuant to Utah Code Ann. §10-9a-504, a temporary land use regulation not to exceed six months is hereby established to provide for the proper administration of the land use regulations within the City of Providence.

Section 3. Planning Commission Staff Amendment. The provisions of Section 2-1-3(A)(1) of the Providence City Ordinances are amended by striking the words "City Administrator." and replacing those words with the words "Administrative Services Director".

Section 4. Subdivision City Executive Staff Amendment. The provisions of Section 11-3-1 of the Providence City Ordinances are amended by striking the words "City Administrator." and replacing those words with the words "Administrative Services Director".

Section 5. Administrative Land Use Authority Amendment. The provisions of Section 2-4-1 and 2-4-2 of the Providence City Ordinances are amended by striking the words "City Administrator" in each of those sections and replacing those words with the words "Administrative Services Director" in each of those sections.

Section 6. Severability Clause. If any part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance and all provisions, clauses and words of this Ordinance shall be severable.

Section 7. Effective Date. This Ordinance shall become effective immediately upon publication or posting or thirty (30) days after final passage, whichever is closer to the date of final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF PROVIDENCE CITY, STATE OF UTAH, ON THIS _____ DAY OF APRIL, 2016.

ATTEST: PROVIDENCE CITY

By:_____ By:_____

Skarlet Bankhead, City Recorder Don Calderwood, Mayor

Council Vote:

Allen, Kirk	() Yes	( ) No( ) Excused	( ) Abstained	( ) Absent
Baldwin, Jeff	() Yes	( ) No ( ) Excused	( ) Abstained	( ) Absent
Drew, John	() Yes	( ) No ( ) Excused	( ) Abstained	( ) Absent
Giles, Dennis	() Yes	( ) No ( ) Excused	( ) Abstained	( ) Absent
Sneddon, Roy	() Yes	( ) No ( ) Excused	( ) Abstained	( ) Absent

Ordinance No. 2016-010

AN ORDINANCE AMENDING PROVIDENCE CITY CODE TITLE 7 CHAPTER 11 BY CHANGING "CITY ADMINISTRATOR" TO "ADMINISTRATIVE SERVICES DIRECTOR"

WHEREAS UCA § 10-3-702 states "The governing body may pass any ordinance to regulate, require, prohibit, govern, control or supervise any activity, business, conduct or condition authorized by this act or any other provision of law. . ."

- Providence City staff has prepared the attached code amendment changing the words "City Administrator" to "Administrative Services Director".

THEREFORE be it ordained by the Providence City Council

- The attached code amendment shall be approved; and
- This ordinance shall become effective immediately upon passage and posting.

Ordinance adopted by vote of the Providence City Council this 26 day of April 2016.

Council Vote:

Allen, Kirk	() Yes	( ) No ( ) Excused	( ) Abstained	( ) Absent
Baldwin, Jeff	() Yes	( ) No ( ) Excused	( ) Abstained	( ) Absent
Drew, John	() Yes	( ) No ( ) Excused	( ) Abstained	( ) Absent
Giles, Dennis	() Yes	( ) No ( ) Excused	( ) Abstained	( ) Absent
Sneddon, Roy	() Yes	( ) No ( ) Excused	( ) Abstained	( ) Absent

Signed by Mayor Don W Calderwood this day of April 2016.

Providence City

_____

Don W. Calderwood, Mayor

Attest:

_____

Skarlet Bankhead, Recorder

DRAFT

CHAPTER 11

DISPOSAL OF PUBLIC PROPERTY

Section:

7-11-1: Purpose
7-11-2: Definitions
7-11-3: Capitalized Personal Property
7-11-4: Non Capitalized Personal Property
7-11-5: Real Property
7-11-6: Leasing of City Property

7-11-1: **PURPOSE:** The purpose of this Chapter is to establish rules and regulations for the disposal, lease and/or sublease of public property in accordance with Utah Code §10-8-2. All disposal of public property, except property that is consumed in normal operations, shall be disposed of or released to ownership by anyone other than the City, except as provided under the rules and regulations of this Chapter.

7-11-2: **DEFINITIONS:** The following words and phrases shall be defined as follows for the purpose of this Chapter. Unless specifically defined below, words or phrases used in this Chapter shall be interpreted to give them the meaning they have in common usage and to give this Chapter its' most reasonable application.

Capitalized Personal Property:	Those items with a cost value of five thousand dollars ($5,000) or more and listed on the depreciation schedule.
City:	Providence City
Depreciation Schedule:	The table of annual apportionments of the depreciable costs of tangible capital assets used by the Providence City Recorder and Independent Auditors in preparing the financial statements for the City.
Disposition:	To transfer control of City owned property to another person by means including, but not limited to, sale, lease, or other type of conveyance of such property.
Non Capitalized Personal Property:	Those items with a cost value of less than five thousand dollars ($5,000) and not listed on the depreciation schedule.

Person:	Any business, individual, union, committee, club, other organization, or group of individuals.
Public Property:	Any item of real or personal property owned by the City.
Reasonable Notice for the Disposal of a Significant Parcel of Real Property:	Publish a notice, at least 14 days prior to the public hearing, on the City's website and in a newspaper of general circulation
Significant Parcel of Real Property:	A parcel of real property owned by the City, that is one-quarter acre or larger, and has an appraised value of $25,000 or greater.
Surplus Property	Any item of real or personal property owned by the City declared to be of no significant value or use to the City.

7-11-3: **CAPITALIZED PERSONAL PROPERTY:**

A. The Mayor or ~~City Administrator~~ Administrative Services Director shall prepare and present a listing to the City Council of the City owned property which he/she feels is no longer needed by the City and which can be declared surplus.

B. The City Council may, at a regular council meeting, declare the items to be surplus and shall establish a minimum bid for the sale of such property.

C. The City shall advertise through public notice, on the City's web site and in a newspaper of general circulation, the sale of any capitalized personal property. The notice may be general in nature without listing each item individually; and should give the information necessary to submit a bid. Submitted bids will not be required for items valued at less than $100.

D. Bids shall be opened and read before the public. The sale of items shall be made to the highest bidder.

E. Any capitalized personal property that is not sold through the bidding process, may be disposed of in a manner acceptable to the Mayor and ~~City Administrator~~ Administrative Services Director.

F. Notwithstanding anything to the contrary herein, surplus property disposed of pursuant to this section shall first be offered to city employees and city contract providers, and if not disposed of (subject to the conditions of this Section), then the surplus property shall be offered to the public pursuant to the conditions of this Section.

7-11-4: **NON CAPITALIZED PERSONAL PROPERTY**:

A. The Mayor and ~~City Administrator~~ Administrative Services Director may approve the disposal of all non capitalized personal property.

B. The Department Head will determine if the property is non-repairable or of no further value to the City.

C. The Department Head will provide a list of the items proposed for disposal to the Mayor and ~~City Administrator~~ Administrative Services Director. The list will be signed by the Department Head and the ~~City Administrator~~ Administrative Services Director.

D. A copy of the signed list of approved items for disposal will be given to the City Recorder to be added to the listing of disposed items.

E. Upon approval of the Mayor and ~~City Administrator~~ Administrative Services Director, the Department Head may dispose of the items in any manner that is deemed appropriate.

F. Notwithstanding anything to the contrary herein, surplus property disposed of pursuant to this section shall first be offered to city employees and city contract providers, and if not disposed of (subject to the conditions of this Section), then the surplus property shall be offered to the public pursuant to the conditions of this Section.

7-11-5: **REAL PROPERTY**: The disposal of all real property shall be approved by the City Council.

A. If the real property is not a "significant parcel of real property" as defined in Section 2:
   1. The Mayor and ~~City Administrator~~ Administrative Services Director may, but shall not be required to obtain from a certified public appraiser an appraisal of the property to be disposed of.
   2. The Council may assigned, two or more representatives of the City to negotiate and consummate the sale of a parcel of land, with or without a building, with an individual, group, corporation, or consortium.

B. If the real property is a "significant parcel of real property" as defined in Section 2:
   1. The City shall provide reasonable notice as defined in Section 2.
   2. After providing reasonable notice, the City Council shall hold a public hearing to receive comment on the proposed disposition.
   3. After holding a public hearing, should the City Council decide to continue with the disposition of the real property, it shall be in a manner established by the Council such as: a sealed bid process, listing with a broker, auction, or private negotiations.
      a. The City Recorder shall publish notice on the City's website and in a newspaper of general circulation which shall describe the property to be sold, the minimum asking price of the property, which may be set by appraisal, the date and time bids shall be submitted and any other information pertinent to the property being sold.
      b. The City Council shall review bids in a setting of their choice.

c. Disposal of real property shall be made on the basis of bid amount, future use of the property, and any other factors the City Council deems to be in the best interest of the City.
d. The City Council has the right to reject any and all bids.

7-11-6: **Leasing of City Property:** The City at the direction of the City Council, may lease or sublease any of the City property under fair and appropriate conditions, considering the intended use and value and the best interests of the City.

A. If the lease or sublease has a reasonable yearly rental value equal to or less than $5,000 per year, the Mayor and ~~City Administrator~~ Administrative Services Director may authorize the lease or sublease.

DRAFT

Resolution 020-2016

A RESOLUTION CREATING THE ADMINISTRATIVE SERVICES DIRECTOR POSITION, AND APPOINTING SKARLET BANKHEAD AS THE ADMINISTRATIVE SERVICES DIRECTOR.

WHEREAS UCA § 10-7-717 Purpose of resolutions, states, "Unless otherwise required by law, the governing body may exercise all administrative powers by resolution . . ."

WHEREAS the Providence City Council hereby creates the position of Administrative Services Director. The Administrative Services Director will perform the duties previously assigned to the City Administrator, except that the Administrative Services Director will not have supervision over the Public Works Director or the Public Works Department.

WHEREAS Mayor Don Calderwood and members of the Providence City Council recommend Skarlet Bankhead be appointed as Administrative Services Director and will no longer serve as City Administrator.

THEREFORE be it resolved by the Providence City Council:

- Skarlet Bankhead shall be appointed as Administrative Services Director and will no longer serve as City Administrator.
- This resolution shall become effective immediately upon passage.

Passed by vote of the Providence City Council this 26 day of April, 2016.

Council Vote:				
Allen, Kirk	() Yes	( ) No ( ) Excused	( ) Abstained	( ) Absent
Baldwin, Jeff	() Yes	( ) No ( ) Excused	( ) Abstained	( ) Absent
Drew, John	() Yes	( ) No ( ) Excused	( ) Abstained	( ) Absent
Giles, Dennis	() Yes	( ) No ( ) Excused	( ) Abstained	( ) Absent
Sneddon, Roy	() Yes	( ) No ( ) Excused	( ) Abstained	( ) Absent

Providence City

_____

Don W Calderwood, Mayor

Attest:

_____

Skarlet Bankhead, Recorder

Initiative Petition for City Manager Implementation

Book	Valid Signatures
1	37
2	32
3	2
4	1
5	48
6	36
7	33
8	48
9	45
10	46
11	47
12	48
13	39
14	45
15	19
16	38
17	48
18	15
19	42
20	42
Total	711

The above information was verified from the counts provided by the Cache County Clerks Office.

Pursuant to UCA 20A-7-507(2)(d), I, Skarlet Bankhead, Providence City Recorder, hereby notify the Providence City Council that the number of certified names from each verified signature sheet equals or exceeds the number of names required by UCA 20A-7-501. The petition for City Manager Implementation Initiative has been marked "sufficient"

Skarlet Bankhead, City Recorder

"Sufficient"

Initiative Application

For Inclusion on the Municipal Ballot of Providence City Utah in the November 2016 Election

We, the undersigned, sponsor the following initiative titled:

"City Manager Implementation Initiative"

to be placed on the November 2016 ballot:

"To realign responsibilities / authority of the Mayor and additional duties which have, over time, been assigned to the City Recorder and authorize the position of City Manager in Providence City to better provide for the needs of our growing community."

With our notarized signatures, we attest that we are each registered voters residing within the community of Providence and have voted in a regular municipal election in Utah.

Chad Checketts 765 Canyon Road Providence, Utah 84332 (435) 713-4434 Date: 3/11/2016	Steve Jensen 855 S 400 E Providence, Utah 84332 (801) 725-6273 Date: 3/11/2016
Paula Anderson 340 Fairwood Circle Providence, Utah 84332 (435) 770-2639 Date: 3/11/2016	Todd Theurer 58 E 200 S Providence, Utah 84332 (435) 757-0598 Date: 3/11/2016
Kay Olsen 549 S 480 E Providence, Utah 84332 (435) 764-4129 Date: 3/11/2016	Notary

Received by Providence City:

Caroline Craven Date: 3-11-16 Time: 4:00 pm

Proposed Ordinance Changes

Chapter 6, 1-6-4B, The Mayor:

This is deleted:

~~4. Except as modified by ordinance under UCA 10-3b-303(2), has the powers and duties described in UCA 10-3b-104; and~~

~~5. May, within budget constraints, appoint one or more administrative assistants to the mayor.~~

This is added:

4. Performs all duties prescribed by law, resolution or ordinance;
5. Ensures that all the laws, ordinances and resolutions are faithfully executed and observed;
6. When necessary, calls on the residents of the city over the age of twenty one (21) years to assist in enforcing the laws of the state and ordinances of the city;
7. Appoints, with the advice and consent of the city council, persons to fill vacancies on commissions or committees of the city, unless otherwise delegated to the city manager by ordinance;
8. Signs all city ordinances and resolutions, and the mayor is further hereby authorized to sign his name officially for and in behalf of the city to all deeds, bonds, bills, notes, contracts, leases and other writings to which the city is a party, when so directed by the city council.

DRAFT

Proposed Ordinance Changes

Chapter 6, 1-6-6, Council in A Six-Member Council

This section is added:

The Council May:

1. Pass all ordinances and rules and make all regulations not repugnant to law necessary for carrying into effect or discharging all powers and duties conferred by this chapter, and as are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the city and its inhabitants, and for the protection of property in the city.
2. Adopt rules and regulations, not inconsistent with statute, for the efficient administration, organization, operation, conduct, and business of the municipality;
3. Prescribe by resolution additional duties, powers, and responsibilities for any elected or appointed municipal official, unless prohibited by statute;
4. Require by ordinance that any or all appointed officers reside in the municipality;
5. Create any office that the council considers necessary for the government of the municipality;
6. Provide for filling a vacancy in an elective or appointive office;
7. Perform any function specifically provided for by statute or necessarily implied by law;
8. Provide for enforcement of obedience to the ordinances with fines or penalties in accordance with UCA 10-3-703.
9. Exercise any executive or administrative power and perform or supervise the performance of any executive or administrative duty or function that has not been given to the Mayor as set forth in UCA 10-3b-303.

DRAFT

Proposed Ordinance Changes

Chapter 7, 1-7-1 Creating Offices; Filling Vacancies:

This section is deleted:

~~B. Mayor to Appoint and Fill Vacancies: The Mayor, with the advice and consent of the City Council, may appoint and fill vacancies in all offices provided for by law or ordinance.~~

This moves up and becomes B:

C. Continuation in Office

DRAFT

Proposed Ordinance Changes

Chapter 7, 1-7-9 Supervision:

This section is deleted:

~~1-7-9 SUPERVISION: The Mayor shall supervise the official conduct of all officers of the City and investigate or cause to be investigated and present any complaint to the City Council, together with the results of the investigation, at the next regular meeting of the City Council after the complaint is received by him. (1977 Code 3-623)~~

DRAFT

Proposed Ordinance Changes

Chapter 12, City Manager

These sections are deleted:

~~SECTION 1. Title 1 Chapter 12 City Manager is repealed.~~
~~SECTION 2.~~

These sections are added:

1-12-1: Appointment
1-12-2 Term of Office
1-12-3 Residency
1-12-4 Compensation
1-12-5 Powers and Duties
1-12-6 Acting City Manager
1-12-7 Removal From Office
1-12-8 Employment Agreement
1-12-9 Resignation
1-12-10 Other Employment

There is hereby created in and for the city the office of city manager. The city manager shall be appointed by the governing body (city council) and shall serve at its pleasure.

1-12-1 APPOINTMENT:
The city manager shall be appointed by the city council (herein defined as the mayor and city council). The city council shall approve the employment contract entered into with the city manager and the mayor shall sign the approved employment contract on behalf of the city.

1-12-2 TERM OF OFFICE:
The city manager shall serve at the pleasure of the governing body. Except as otherwise provided and/or subject to the provisions of contract, any person serving as manager of the municipality under this article may be removed with or without cause by a majority vote of the governing body.

1-12-3 RESIDENCY:
Residency in the city at the time of appointment of a city manager shall not be required as a condition of appointment.

1-12-4 COMPENSATION:
The city manager shall receive such compensation as the city council shall, from time to time, determine. In addition, the city manager shall be reimbursed for all actual and necessary expenses incurred in the performance of official duties.

1-12-5 POWERS AND DUTIES:
Under the direction and control of the city council, the city manager shall be responsible for the

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efficient management of all administrative affairs of the city. In addition to the general powers as chief administrative officer, the city manager shall have the following powers, duties and obligations:

(a) Enforcement: The city manager shall faithfully execute and enforce all applicable laws, ordinances, rules and regulations, and see that all franchises, leases, permits, contracts, licenses and privileges granted by the municipality are observed.

(b) Authority For Employees: It shall be the duty of the city manager, and the city manager shall have the authority, to control, order and give directions to all heads of departments and to subordinate officers and employees of the city through their respective department heads.

(c) Power Of Appointment And Removal: It shall be the duty of the city manager to appoint, remove, promote and demote any and all officers and employees of the city, subject to all applicable personnel ordinances, rules and regulations, except for the positions of city recorder, city treasurer, city attorney, city engineer, justice court judge and city department heads, which shall only be appointed, demoted or removed with the advice and consent of the city council.

(d) Direct And Supervise Administration: It shall be the duty of the city manager to direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by law.

(e) Administrative Reorganization Of Offices: It shall be the duty and responsibility of the city manager to conduct studies and implement such administrative reorganization of offices, positions or units under the city manager's direction as may be indicated in the interest of efficient, effective and economical conduct of the city's business.

(f) Implement And Recommend Policies And Programs: The city manager shall carry out the policies and programs established by the city council. The city manager shall submit to the city council plans and programs relating to the development and needs of the city.

(g) Policy Proposals: To propose plans and programs concerning the development, operation and needs of the city and submit such plans to the governing body to be approved and developed as policy.

(h) Ordinances: The city manager shall recommend to the city council for adoption such measures and ordinances necessary for the efficient management of administrative affairs.

(i) Council Meetings: It shall be the duty of the city manager to attend all meetings of the city council, unless excused therefrom by the mayor or the city council, and to take part in the discussions and to recommend matters for adoption by the city council, but without the right to vote.

(j) Financial Reports: It shall be the duty of the city manager to keep the city council fully advised at all times as to the financial condition and needs of the city. The city manager shall prepare and submit monthly financial reports to the city council for their information and review.

(k) Budget: The city manager shall prepare and submit the proposed annual budget and capital improvements program to the city council for their approval and in accordance with all state laws and regulations. The city manager shall serve as the city budget officer.

(l) Expenditure Control And Purchasing: It shall be the duty of the city manager to manage all expenditures in accordance with state law and the city purchasing policy.

(m) Investigations And Complaints: It shall be the duty of the city manager to make investigations into the affairs of the city, or any department or division thereof, and also any contract for the proper performance of any obligations of the city. Further, it shall be the duty of the city manager to investigate all complaints in relation to matters concerning the administration of the city government. The city manager shall examine and inspect the books, records and official papers of any office, department, agency, board or commission of the city and make investigations and require reports from all personnel.

(n) Property: To keep or cause to be kept a current inventory showing all real and personal property of the city and its location. The city manager shall be responsible for the care and

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custody of all such property, including equipment, buildings, parks and all other city property which is not by law assigned to some other officer or body for care and control.

(o) Emergencies: The city manager shall notify the city council of any emergency that may arise in the city.

(p) Additional Duties: It shall be the duty of the city manager to perform such other duties and exercise such other powers as may lawfully be delegated to the city manager from time to time by ordinance or resolution or other official action of the city council.

(q) Reports to the city council the condition of the city and recommend for city council consideration any measures that the mayor considers to be in the best interests of the city.

1-12-6 ACTING CITY MANAGER:

The city manager shall appoint, with the approval of the city council, an acting city manager to serve in the absence or temporary incapacity of the city manager. The acting city manager shall have all the powers and duties of the city manager, but shall consult with the mayor regarding decisions of major impact on the city. The mayor shall act as city manager in the event of absence or temporary incapacity of both the city manager and the acting city manager.

1-12-7 REMOVAL FROM OFFICE:

The removal of the city manager shall be effected only by a majority vote of the city council convened in a regular city council meeting, except that the city manager shall not be removed from office during, or within a period of, ninety (90) days after the date newly elected officials take office after a municipal election. The purpose of this provision is to allow any newly elected member of the city council to directly observe the actions and ability of the city manager to perform the duties described herein. After the expiration of the ninety (90) day period, the city manager may be removed from office. The city council may, without any particular showing of cause, remove the city manager from office. The city council's action shall be final.

1-12-8 EMPLOYMENT AGREEMENT:

Nothing in this chapter shall be construed as a limitation on the power or authority of the city council to enter into any supplemental agreement with the city manager delineating additional terms and conditions of employment not inconsistent with any provisions of this chapter.

1-12-9 RESIGNATION

Before voluntarily resigning from the position of city manager, the city manager shall give the city council at least thirty (30) days notice in writing of his or her intent to resign.

1-12-10 OTHER EMPLOYMENT

The city manager shall not accept any outside employment in addition to employment by the city without prior annual written approval of the city council.

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AMERICA FIRST CREDIT UNION

NOTARY ACKNOWLEDGMENT

DESCRIPTION OF THE ATTACHED DOCUMENT

Title or Type of Document Initiative Application

Document Date 3/11/16

Number of Pages 8

ACKNOWLEDGEMENT

State of Utah

County of Cache

On this 11th day of March in the year 2016

before me, Tyanna Spackman a notary public,

personally appeared Chad Checketts, and proved

on the basis of satisfactory evidence to be the person(s) whose name(s) (is/are) subscribed to this instrument, and acknowledged (he/she/they) executed the same.

Tyanna Spackman

Notary Signature

TYANNA SPACKMAN
NOTARY PUBLIC • STATE OF UTAH
COMMISSION NO. 684506
COMM. EXP. 05/06/2019

Notary Seal

AMERICA FIRST CREDIT UNION

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ACKNOWLEDGEMENT

State of Utah

County of Cache

On this 11th day of March in the year 2016

before me, Tyanna Spackman a notary public,

personally appeared Steve Jenson, and proved

on the basis of satisfactory evidence to be the person(s) whose name(s) (is/are) subscribed to this instrument, and acknowledged (he/she/they) executed the same.

Tyanna Spackman

Notary Signature

TYANNA SPACKMAN
NOTARY PUBLIC • STATE OF UTAH
COMMISSION NO. 684506
COMM. EXP. 08/05/2019

Notary Seal

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ACKNOWLEDGEMENT

State of Utah

County of Cache

On this 11th day of March in the year 2016

before me, Tyanna Spackman a notary public,

personally appeared Paula Anderson, and proved

on the basis of satisfactory evidence to be the person(s) whose name(s) (is/are) subscribed to this instrument, and acknowledged (he/she/they) executed the same.

Tyanna Spackman

Notary Signature

TYANNA SPACKMAN
NOTARY PUBLIC • STATE OF UTAH
COMMISSION NO. 684506
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State of Utah

County of Cache

On this 11th day of March in the year 2016

before me, Tyanna Spackman a notary public,

personally appeared Todd Thenver, and proved

on the basis of satisfactory evidence to be the person(s) whose name(s) (is/are) subscribed to this instrument, and acknowledged (he/she/they) executed the same.

Tyanna Spackman

Notary Signature

TYANNA SPACKMAN
NOTARY PUBLIC • STATE OF UTAH
COMMISSION NO. 684506
COMM. EXP. 03/06/2019

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State of Utah

County of Cache

On this 11th day of March in the year 2016

before me, Tyanna Spackman a notary public,

personally appeared Kay Olsen, and proved

on the basis of satisfactory evidence to be the person(s) whose name(s) (is/are) subscribed to this instrument, and acknowledged (he/she/they) executed the same.

Tyanna Spackman

Notary Signature

TYANNA SPACKMAN
NOTARY PUBLIC • STATE OF UTAH
COMMISSION NO. 684506
COMM. EXP. 08/05/2019

Notary Seal

Ordinance No. 2016-006

AN ORDINANCE AMENDING PROVIDENCE CITY CODE TITLE 1 CHAPTER 6 MAYOR AND CITY COUNCIL, CHAPTER 7 OFFICERS AND EMPLOYEES, AND CHAPTER 12 CITY MANAGER

WHEREAS UCA § 10-3-702 states "The governing body may pass any ordinance to regulate, require, prohibit, govern, control or supervise any activity, business, conduct or condition authorized by this act or any other provision of law. . ." and

WHEREAS UCA § 10-3b-303 states:
(1)The council in a municipality operating under a six-member form of government:
(b) may:
(i) subject to Subsections (1)(c) and (2), adopt an ordinance:
(A) removing from the mayor any power, duty, or function of the mayor under Section 10-3b-104; or
(B) reinstating to the mayor any power, duty, or function previously removed under Subsection (1)(b)(i)(A);
(ii) adopt an ordinance delegating to the mayor any executive or administrative power, duty, or function that the council has under Subsection (1)(a);
(iii) subject to Subsection 10-3b-302(1)(b)(ii)(A):
(A) appoint, subject to Subsections (3) and (4), a manager to perform executive and administrative duties or functions that the council by ordinance delegates to the manager, subject to Subsection (1)(c); and
(B) dismiss a manager appointed under Subsection (1)(b)(iii)(A); and
(iv) assign any or all council members, including the mayor, to supervise one or more administrative departments of the municipality; and
(c) may not remove from the mayor or delegate to a manager appointed by the council:
(i) any of the mayor's legislative or judicial powers or ceremonial functions;
(ii) the mayor's position as chair of the council; or
(iii) any ex officio position that the mayor holds.
(2) Adopting an ordinance under Subsection (1)(b)(i) removing from or reinstating to the mayor a power, duty, or function provided for in Section 10-3b-104 requires the affirmative vote of:
(a) the mayor and a majority of all other council members; or
(b) all council members except the mayor.

WHEREAS the attached code amendment has been prepared based on the proposed ordinance changes contained in the "City Manager Implementation Initiative" petition application.

THEREFORE be it ordained by the Providence City Council

- The attached code amendment shall be adopted in accordance with UCA § 10-3b-303.
- This ordinance shall become effective immediately upon passage and posting.

Ordinance adopted by vote of the Providence City Council this ___ day of _____ 2016.

Council Vote:

Allen, Kirk	() Yes	( ) No ( ) Excused	( ) Abstained	( ) Absent
Baldwin, Jeff	() Yes	( ) No ( ) Excused	( ) Abstained	( ) Absent
Drew, John	() Yes	( ) No ( ) Excused	( ) Abstained	( ) Absent
Giles, Dennis	() Yes	( ) No ( ) Excused	( ) Abstained	( ) Absent
Sneddon, Roy	() Yes	( ) No ( ) Excused	( ) Abstained	( ) Absent
Calderwood, Don	() Yes	( ) No ( ) Excused	( ) Abstained	( ) Absent

Signed by Mayor Don W Calderwood this day of 2016.

Providence City

_____

Don W. Calderwood, Mayor

Attest:

_____

Skarlet Bankhead, Recorder

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CHAPTER 6

MAYOR AND CITY COUNCIL

SECTION:

1-6-1: Form of Government
1-6-2: Eligibility and Residency Requirements
1-6-3: Membership; Terms
1-6-4: Mayor in Six-Member Council
1-6-5: Mayor Pro Tempore
1-6-6: Council in Six-Member Council
1-6-7: Meetings; Procedure and Conduct
1-6-8: Ordinances and Resolutions; Procedures

1-6-1: FORM OF GOVERNMENT:

A. Providence City operates under the six-member form of government.
B. The powers of municipal government are vested in a council consisting of six members, one of which is a mayor.

1-6-2: **ELIGIBILITY AND RESIDENCY REQUIREMENTS**: Members of the City Council must meet the eligibility and residency requirements pursuant to Utah Code Title 10 Chapter 3 and Title 20A.

1-6-3: MEMBERSHIP; TERMS:

A. The offices of mayor and two council members shall be filled in municipal elections held in 1977. The terms shall be for four years. These offices shall be filled every four years in municipal elections.
B. The office of the remaining council members shall be filled in a municipal election held in 1979. The terms shall be for four years. These offices shall be filled every four years in municipal elections. (UCA 10-3-205(2))
C. Mayoral or council vacancies shall be filled as provided in UCA 20A-1-510.

1-6-4: MAYOR IN SIX-MEMBER COUNCIL:

A. The mayor in a six-member council is a nonvoting member of the council, except as follows:
    1. On each matter for which there is a tie vote of the other council members present at a council meeting; or
    2. When the council is voting on:
        i. Whether to appoint or dismiss a municipal manager; or
        ii. An ordinance that enlarges or restricts the mayor's powers, duties, or functions.
B. The Mayor:
    1. Is the chair of the council and presides at all council meetings;
    2. Exercises ceremonial functions for the city;
    3. May not veto an ordinance, tax levy, or appropriation passed by the council;
    4. ~~Except as modified by ordinance under UCA 10-3b-303(2), has the powers and duties described in UCA 10-3b-104; and~~ Performs all duties prescribed by law, resolution or ordinance;

5. ~~May, within budget constraints, appoint one or more administrative assistants to the mayor.~~ Ensures that all the laws, ordinances and resolutions are faithfully executed and observed;
6. When necessary, calls on the residents of the city over the age of twenty-one (21) years to assist in enforcing the laws of the state and ordinances of the city;
7. Appoints, with the advice and consent of the city council, persons to fill vacancies on commissions or committees of the city, unless otherwise delegated to the city manager by ordinance;
8. Signs all city ordinances and resolutions, and the mayor is further hereby authorized to sign his name officially for and in behalf of the city to all deeds, bonds, bills, notes, contracts, leases and other writings to which the city is a party, when so directed by the city council.

1-6-5: **MAYOR PRO TEMPORE:** If the mayor is absent or unable or refuses to act, the council may elect a member of the council as mayor pro tempore, to preside as a council meeting and perform, during the mayor's absence, disability or refusal to act, the duties of mayor. The city recorder shall enter in the minutes of the council meeting the election of a council member as mayor pro tempore.

1-6-6: **COUNCIL IN SIX-MEMBER COUNCIL:** The council is the legislative body of the municipality. The council exercises the legislative powers and performs the legislative duties and function of the municipality; and other duties in accordance with UCA 10-3b-105.

A. Pass all ordinances and rules and make all regulations not repugnant to law necessary for carrying into effect or discharging all powers and duties conferred by this chapter, and as are necessary and proper to provide for the safety and preserved the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the city and its inhabitants, and for the protection of property in the city.
B. Adopt rules and regulations, not inconsistent with statute, for the efficient administration, organization, operation, conduct, and business of the municipality;
C. Prescribe by resolution additional duties, powers and responsibilities for any elected or appointed municipal official, unless prohibited by statues;
D. Require by ordinance that any or all appointed officers reside in the municipality;
E. Provide for filling a vacancy in an elective or appointive office;
F. Perform any function specifically provided for by statute or necessarily implied by law;
G. Provide for enforcement of obedience to the ordinances with fines or penalties in accordance with UCA 10-3-703
H. Exercise any executive or administrative power and perform or supervise the performance of any executive or administrative duty or function that has not been given to the Mayor as set forth in UCA 10-3b-303.

1-6-7: **MEETINGS; PROCEDURE AND CONDUCT:**

A. Regular Meetings:
   1. The City Council may hold two (2) regular meetings which shall be held on the second or fourth Tuesday of each month at the Providence City Office.
   2. At a minimum, the City Council shall hold one (1) meeting each month.
   3. Meetings shall begin at 6:00 P.M.

4. The City Council may by vote provide for a different time and place for holding a meeting, if a majority of those voting deem it to be in the best interest of the citizens.

B. Special Meetings: The mayor or two council members may order the convening of a special meeting of the council pursuant to Utah Code.

C. Open Meetings: Every meeting is open to the public unless closed pursuant to Utah Code Title 52.

D. Quorum Defined: The number of council members necessary to constitute a quorum is three, excluding the mayor.

E. Meetings using Electronic Connection:
   1. Member(s) of the Providence City Council may attend meetings through a teleconference connection.
   2. Meetings using an electronic connection shall meet the requirements listed in Utah Code 52-4-207(3).

F. Providence City Council Bylaws: The Providence City Council shall adopt rules of order and procedure to govern a public meeting of the City Council. These rules of order shall be known as the Providence City Council Bylaws.

1-6-8: **ORDINANCES AND RESOLUTIONS; PROCEDURES:** Providence City Council adopts ordinances and resolutions in accordance with UCA 10-3-7. In accordance with UCA 10-8-84, the Providence City Council may pass all ordinances and rules, and make all regulations, not repugnant to law, necessary for carrying into effect or discharging all powers and duties conferred by UCA Title 10 Chapter 8, and as are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the City and its inhabitants, and for the protection of property in the City. The Providence City Council may enforce obedience to the ordinances with fines or penalties in accordance with UCA 10-3-703

CHAPTER 7

OFFICERS AND EMPLOYEES

SECTION:

1-7-1: Creating Offices; Filling Vacancies
1-7-2: Compensation
1-7-3: Bond Requirements
1-7-4: Oaths
1-7-5: Official Neglect and Misconduct
1-7-6: City Recorder, City Treasurer and City Manager
1-7-7: City Attorney
1-7-8: Duties of All Officers
1-7-9: Supervision

1-7-1: CREATING OFFICES; FILLING VACANCIES:

A. Offices Created By Council: The City Council may create any office deemed necessary for the government of the City and provide for filling vacancies in elective and appointive offices.

~~B. Mayor to Appoint and Fill Vacancies: The Mayor, with the advice and consent of the City Council, may appoint and fill vacancies in all offices provided for by law or ordinance.~~

~~C.~~ B. Continuation in Office: All appointed officers shall continue in office until their successors are appointed and qualified. (1998 Code)

1-7-2: COMPENSATION:

A. Established: The salary of the officers and employees of the City shall be paid in the amount and at such times as is established by resolution of the City Council. (1977 Code 3-552; 1998 Code)

B. Serving Two or More Positions: Whenever any person serves in two (2) or more positions either as officers or employees of the City, unless otherwise specifically provided in the employment agreement, by ordinance or by resolution, that person shall receive the salary or compensation of the office or employment paying the greater amount. (1977 Code 3-553)

C. Reimbursement For Travel Expenses: In addition to all other compensation or salaries, any officer or employee of the City may receive, following the submission to the City Recorder of a claim, travel expenses and per diem established by the Utah State Department of Finance for expense actually incurred by the person for attending any meeting, conference, seminar or

training session, provided attendance shall have been approved by the City Council. (1977 Code 3-554)

1-7-3: **BOND REQUIREMENTS:**

A. Approval of Bonds: The bonds of the Council members shall be approved by the Mayor and the bond of the Mayor shall be approved by the City Council at the first meeting of the City Council in January following a City election. (1998 Code)

B. Premium Paid by City: The premium charged by a corporate surety for any bond required by the City shall be paid by the City. (1977 Code 3-521C)

C. Additional Bonds: The City Council may at any time require further and additional bonds of any or all officers elected or appointed. All bonds given by the officers, except as otherwise provided by law, shall be filed with the City Recorder, except that the bond of the City Recorder shall be filed with the City Treasurer. (1998 Code)

D. Bond Amounts: Before taking the oath of office and entering on the duties of their respective office, City officials shall each give a bond with good and sufficient securities, payable to the City, conditioned for the faithful performance of the duties of their office and the payment of all monies received by such officers according to Utah Code Annotated section 51-7-15 and rule 4 of the State Money Management Council. (1977 Code 3-521A; 1998 Code)

E. Treasurer's Bond:

1. The City Treasurer's bond, or the bond of any person who acts as City Treasurer, may be set by resolution or ordinance in any amount not less than that established by the State Money Management Council. (1998 Code)

2. The Treasurer's bond shall be superseded by any rules, regulation or directive of the State Money Management Council when such rule, regulation or directive is binding on the City. (1977 Code 3-521B)

F. Blanket Bond: The bond required in this Section may be a blanket bond. (1977 Code 3-521D)

1-7-4: **OATHS:**

A. Constitutional Oath of Office: All officers, whether elected or appointed, before entering on the duties of their respective offices shall take, subscribe and file the constitutional oath of office. (1977 Code 3-531, 3-532; 1998 Code)

B. Oath; Filing: The oath of office required under this section is administered by any judge, notary public, or by the City Recorder. Elected officials shall take their oath of office at twelve o'clock

(12:00) noon on the first Monday in January following their election or as soon thereafter as is practical. Appointed officers shall take their oath at any time before entering on their duties. All oaths of office shall be filed with the City Recorder.

C. Acts Of Officials Not Validated: No official act of any City officer shall be invalid for the reason that he failed to take the oath of office. (1998 Code)

1-7-5: **OFFICIAL NEGLECT AND MISCONDUCT:** In case any City officer shall at any time willfully omit to perform any duty, or willfully and corruptly be guilty of oppression, misconduct, misfeasance, or malfeasance in office, the person is guilty of a Class A Misdemeanor[1] shall be removed from office, and is not eligible for any City office thereafter. (1998 Code)

1-7-6: **CITY RECORDER, CITY TREASURER AND CITY MANAGER:**

A. Appointment: On or before the first Monday in February following a City election, the Mayor, with the advice and consent of the City Council, shall appoint a qualified person to each of the offices of City Recorder and City Treasurer.

B. Ex Officio Auditor: The City Recorder is ex officio the City Auditor and shall perform the duties of that office. (1998 Code)

C. A City Manager may be appointed by the City Council and will serve at the pleasure of the governing body. (Ordinance Modification 012-01 12/11/01)

1-7-7: **CITY ATTORNEY:** The City Attorney may prosecute violations of City Ordinances, and under State law, infractions and misdemeanors occurring within the boundaries of the City and has the same powers in respect to the violations as are exercised by a county attorney, including, but not limited to, granting immunity to witnesses. The City Attorney shall represent the interests of the State of the City in the appeal of any matter prosecuted in any trial court by the City Attorney. (1998 Code)

[1] U.C.A. 76-3-204 for penalty provisions.

1-7-8: **DUTIES OF ALL OFFICERS:** It shall be the duty of all officers of the City to:

A. Documents to Successor: Deliver to their successor within one week after the change of office all records, documents and property which belong to the City.

B. Deliver Funds: Deliver to the City Treasurer within one week after receipt of such funds, all funds of the City which the officer receives.

C. Sign Required Records: Sign within a reasonable time all papers, documents and records received by him which require his signature.

D. Perform All Duties: Perform all duties imposed on him by virtue of the office held.

E. Give Receipts: Give receipts on forms provided by the City Recorder for all sums of money received, collected or paid them or their assistants. (1977 Code 3-361)

~~1-7-9 **SUPERVISION:** The Mayor shall supervise the official conduct of all officers of the City and investigate or cause to be investigated and present any complaint to the City Council, together with the results of the investigation, at the next regular meeting of the City Council after the complaint is received by him. (1977 Code 3-623)~~

CHAPTER 12

CITY MANAGER

(Ordinance Modification 008-2003 08/26/03)(OM 014-2006 11/14/2006)

~~SECTION 1. Title 1 Chapter 12 City Manager is repealed.~~

~~SECTION 2. Effective date. This ordinance shall become effective immediately upon publication and/or posting as provided by U.C.A.§ 10-3-712.~~

1-12-1: Appointment
1-12-2: Term of Office
1-12-3: Residency
1-12-4: Compensation
1-12-5: Powers and Duties
1-12-6: Acting City Manager
1-12-7: Removal from Office
1-12-8: Employment Agreement
1-12-9: Resignation
1-12-10: Other Employment

There is hereby created in and for the city the office of city manager. The city manager shall be appointed by the governing body (city council) and shall serve at its pleasure.

1-12-1: APPOINTMENT:
The city manager shall be appointed by the city council (herein defined as the mayor and city council). The city council shall approve the employment contract entered into with the city manager and the mayor shall sign the approved employment contract on behalf of the city.

1-12-2: TERM OF OFFICE:
The city manager shall serve at the pleasure of the governing body. Except as otherwise provided and/or subject to the provisions of contract, any person serving as a manager of the municipality under this article may be removed with or without cause by a majority vote of the governing body.

1-12-3: RESIDENCY:
Residency in the city at the time of appointment of a city manager shall not be requires as a condition of appointment.

1-12-4: COMPENSATION:
The city manager shall receive such compensation as the city council shall, from time to time determine. In addition, the city manager shall be reimbursed for all actual and necessary expenses incurred in the performance of official duties.

1-12-5: POWERS AND DUTIES:

Under the direction and control of the city council, the city manager shall be responsible for the efficient management of all administrative affairs of the city. In addition to the general powers as chief administrative officer, the city manager shall have the following powers, duties and obligations:

A. Enforcement: The city manager shall faithfully execute and enforce all applicable laws, ordinances, rules and regulations, and see that all franchises, leases, permits, contracts, licenses and privileges granted by the municipality are observed.

B. Authority for Employees: It shall be the duty of the city manager, and the city manager shall have the authority, to control, order and give directions to all heads of departments and to subordinate officers and employees of the city through their respective department heads.

C. Power of Appointment and Removal: Is shall be the duty of the city manager to appoint, remove, promote and demote any and all officers and employees of the city, subject to all applicable personnel ordinances, rules and regulations, except for the positions of city recorder, city treasurer, city attorney, city engineer, justice court judge and city department heads, which shall only be appointed, demoted or removed with the advice and consent of the city council.

D. Direct and Supervise Administration: It shall be the duty of the city manager to direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by law.

E. Administrative Reorganization of Offices: It shall be the duty and responsibility of the city manager to conduct studies and implement such administrative reorganization of offices, positions or units under the city manager's direction as may be indicated in the interest of efficient, effective and economical conduct of the city's business.

F. Implement and Recommend Policies and Programs: The city manager shall carry out the policies and programs established by the city council. The city manager shall submit to the city council plans and programs relating to the development needs of the city.

G. Policy Proposals: To propose plans and programs concerning the development, operation and need of the city and submit such plans to the governing body to be approved and developed as policy.

H. Ordinances: The city manager shall recommend to the cit council for adoption such measures and ordinances necessary for the efficient management of administrative affairs.

I. Council Meetings: It shall be the duty of the city manager to attend all meetings of the city council, unless excused therefrom by the mayor or the city council, and to take part in the discussions and to recommend matters for adoption by the city council, but without the right to vote.

J. Financial Reports: It shall be the duty of the city manager to keep the city council fully advised at all times as to the financial condition and needs of the city. The city manager shall prepare and submit monthly financial reports to the city council for their information and review.

K. Budget: the city manager shall prepare and submit the proposed annual budget and capital improvements program to the city council for their approval and in accordance with all state laws and regulations. The city manager shall serve as the city budget officer.

L. Expenditure Control and Purchasing: It shall be the duty of the city manager to manage all expenditures in accordance with state law and the city purchasing policy.

M. Investigations and Complaints: It shall be the duty of the city manager to make investigations into the affairs of the city, or any department of division thereof, and also any contract for the proper performance of any obligations of the city. Further, it shall be the duty of the city manager to investigate all complaints in relation to matters concerning the administration of the city government. The city manager shall examine and inspect the books, records and official papers of any office, department, agency, board or commission of the city and make investigations and require reports from all personnel.

N. Property: To keep or cause to be kept a current inventory showing all real and personal property of the city and its location. The city manager shall be responsible for the care and custody of all such property, including equipment, buildings, parks and all other city property which is not by law assigned to some other officer of body for care and control.

O. Emergencies: The city manager shall notify the city council of any emergency that may arise in the city.

P. Additional Duties: It shall be the duty of the city manager to perform such other duties and exercise such other powers as may lawfully be delegated to the city manager from time to time by ordinance or resolution or other official action of the city council.

Q. Reports to the city council the condition of the city and recommend for city council consideration any measures that the mayor considers to be in the best interest of the city.

1-12-6: ACTING CITY MANAGER:

The city manager shall appoint, with the approval of the city council, an acting city manager to serve in the absence or temporary incapacity of the city manager. The acting city manager shall have all the powers and duties of the city manager, but shall consult with the mayor regarding decisions of major impact on the city. The mayor shall act as city manager in the event of absence or temporary incapacity of both the city manager and the acting city manager.

1-12-7: REMOVAL FROM OFFICE:

The removal of the city manager shall be effected only by a majority vote of the city council convened in a regular city council meeting, except that the city manager shall not be removed from office during, or within a period of, ninety (90) days after the date newly elected official take office after a municipal election. The purpose of this provision is to allow any newly elected member of the city council to directly observe the actions and ability of the city manager to perform the duties described herein. After the expiration of the ninety (90) day period, the city manager may be removed from office. The city council may, without any particular showing of cause, remove the city manager from office. The city council's decision shall be final.

1-12-8: EMPLOYEEMENT AGREEMENT:

Nothing in this chapter shall be construed as a limitation on the power or authority of the city council to enter into any supplemental agreement with the city manager delineating additional terms and conditions of employment not inconsistent with any provisions of this chapter.

1-12-9: RESIGNATION:

Before voluntarily resigning from the position of city manager, the city manager shall give the city council at least thirty (30) days notice in writing of his or her intent to resign.

1-12-10: OTHER EMPLOYMENT:

The city manager shall not accept any outside employment in addition to the employment by the city without prior annual written approval of the city council.

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