

1 **PROVIDENCE CITY COUNCIL MEETING MINUTES**

2 **December 18, 2018 6:00 PM**

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

4
5 **Opening Ceremony:**

6 Call to Order: Brent Fresz
7 Roll Call of City Council Members: B Fresz, K Eck, D Giles, R Sneddon, K Allen
8 Pledge of Allegiance: Brent Fresz
9 Opening Remarks – Prayer:
10 Excused: Mayor Drew

11
12 **Approval of the minutes**

13 **Item No. 1.** The Providence City Council will consider approval of the minutes of December 11, 2018.

14 **Motion to approve the minutes for December 11, 2018 – K Eck, second – R Sneddon**

15 **Vote:**

16 **Yea:** K Eck, B Fresz, D Giles, R Sneddon, K Allen

17 **Nay:** None

18 **Excused:** None

19 **Corrections:**

- 20 • None

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

- 26 • Ashley Nance of Providence asked if the Council reads the Planning Commission minutes before acting on
27 a Planning Commission recommendation. B Fresz stated that it is up to each individual council member
28 and many attend the Planning Commission meetings. She encouraged the Council to read the research
29 study that was given at the last Planning Commission meeting.
30 • Josh Paulsen of Providence asked if the Council received all five of the research papers. B Fresz stated that
31 the Council has received the research papers.
32 • Daniel Grange, Millville City Council member, asked that any further consideration of development that
33 would affect Millville City be discussed with Millville City Council, especially if it involves high density
34 development.
35 • J. Paulsen asked if there was external funding for a traffic study and if the council would pursue it. K Eck
36 explained that a traffic study would be part of the development process.
37 • K Eck explained that she appreciates the signs; however, they should not be placed on City property. J
38 Paulsen stated that he has removed the signs that were placed on City property.

39
40 **Public Hearing(s):** None

41
42 **Business Items:**

43 **Item No. 1. Proposal Consideration:** The Providence City Council will consider a proposal from Stan Checketts
44 (Little Baldy Place Subdivision) to install a waterline along the deer fence.

45 **Motion to enter into a discussion to consider a proposal – K Allen, second – R Sneddon**

46 **Vote:**

47 **Yea:** K Eck, B Fresz, D Giles, R Sneddon, K Allen

48 **Nay:**

49 **Excused:** None

- 50 • S Checketts felt that this would be a waste of time. He felt that the city staff made the decisions and those
51 decisions have cost a lot of money. He felt that the city staff has held this development up from the
52 beginning. He stated that he felt that he is having a hard time selling lots because the city staff has held
53 him up by not issuing building permits even though he had met all of the criteria. He did not see any

reason why the City should not run a waterline across the deer fence especially when the developers are willing to pay for it. S Checketts explained that he talked with Bob Bissland and Laura Fisher about extending the waterline.

- Danny Macfarlane, Civil Solutions Group, explained that S Checketts feels he was wrongly asked to dedicate water for the area that is above the service area in the subdivision.
- K Allen asked what a credit would look like if the City credited S Checketts for some of the shares he dedicated. D Macfarlane stated that he did not have exact numbers but thought it may be in the range of \$80,000.
- R Sneddon asked if starting at the east boundary of the buildable envelope and going east approximately 50-feet, then going to the east boundary line of the development, would be the credit area. D Macfarlane explained that there are details that still need to be discussed.
- R Sneddon asked D Macfarlane to consider the present location and then look forward 25-years. Will the City then think they should have taken the line to the north? D Macfarlane explained that he feels that the tank on the Chad Checketts property will work well. He said that there is about 90 acres along the upper east bench that cannot be serviced without creating a Water Zone 4.
- K Eck asked for clarification on S Checketts' statement that he is willing to fight the legal battle for the City. S Checketts clarified that he is willing to fight the legal battle to take the property across the Bissland property.
- R Sneddon explained that he is not willing to shoot down the idea of the waterline, but is not willing to approve an upper waterline at this point. He would like more technical information before he can make a decision. S Checketts suggested having another meeting with the Council and City Staff to discuss putting the reservoir somewhere it can be used.
- D Giles asked M Pierce if the proposed line going through L Fisher's property can be moved. M Pierce explained that he is not sure where her property lines are in relation to the water line.
- K Allen felt that the upper waterline would require agreements with other property owners. The other concern was litigation. He felt that everyone knew from the beginning what the situation was.
- Max Pierce explained that the reservoir location was determined by a group of individuals, including the Council. He explained that there were pros and cons to each location that was considered. The proposed reservoir is for Water Zone 2. M Pierce described the separation points between Zone 2 and Zone 3. The Comb Reservoir services the higher zones. M Pierce said that pressure-wise, the Comb Reservoir could service from the Deer Fence west. He explained that the capacity numbers have not been updated, but felt that Comb Reservoir would probably have capacity. M Pierce explained that Water Zone 3 is already being serviced both to the north and the south. M Pierce felt that redundancy was a good thing. M Pierce explained that the buildable portions of S Checketts' lots are all serviced by Zone 3. The portion S Checketts has offered to pay for benefits S Checketts and not the City. M Pierce said that it is up to the City to decide when to build the tank. He doesn't see the need for the line to go north from the tank.
- K Eck asked about the well proposed for 300 East 200 North. M Pierce explained that the City is still considering possible locations. The well is still in the plans.
- R Stapley explained that the deer fence waterline is a desirable waterline to have at some point in time. He did not feel that water for Zone 4 is a priority. The priority at this point is for the Water Zone 2 reservoir. The south bench has an existing Zone 4 waterline.
- R Stapley explained that S Checketts chose where to install the current waterline, which established the building envelopes.
- Gary Gettman of Millville explained that his concern is with the Bonneville Shoreline Trail. He is concerned about the trail and the impact the waterline would have on the trail. He felt that there will be lawsuits to protect the trail.
- K Allen explained that the trail has been discussed from the beginning of the development. He explained that Dayton Crites, the County Trails Coordinator, has been involved in the discussions.
- G Gettman explained that some of the trail is on private property. He felt that negative impacts to the trail would be protested.
- D Macfarlane explained that the intent is not to eliminate or destroy the trail.
- J Paulsen of Providence reported that he was at the meeting when S Checketts agreed to preserve the trail.
- Lyle Fuller, on behalf of Dr. Laura Fisher and Bob Bissland, asked if the council had received a copy of a

1 letter written by Laura Fisher. The Council had received a copy. He explained that in the sale agreement
2 between S Checketts and Fisher/Bissland, S Checketts expressly disclaimed any easement, license or right
3 of entry upon the property after the sale went through.
4

5 **B Fresz asked for a vote to enter into an agreement to put in the water line – K Allen, second – R Sneddon**

6 **Vote:**

7 **Yea: None**

8 **Nay: K Eck, B Fresz, D Giles, R Sneddon, K Allen**

9 **Excused: None**

- 10 • K Eck would like to explore the option of giving S Checketts a credit for the water dedicated that cannot
11 be used on the property.
- 12 • K Allen felt that the details should be worked out.
- 13 • B. Fresz explained that voting “nay” means that the Council is against accepting a proposal tonight.
14

15 **Motion to explore a credit for the Little Baldy Place Subdivision and put as an action item on the next agenda – K**
16 **Eck, second – D Giles**

17 **Vote:**

18 **Yea: K Eck, B Fresz, D Giles, R Sneddon, K Allen**

19 **Nay: None**

20 **Excused: None**
21

22 **Item No. 2. Discussion:** Max Pierce, CRS Engineers, will review the storm water study.

- 23 • M Pierce explained that they looked at the City as a whole. The mountainside was not considered, nor
24 was the Spring Creek area that has been mapped by FEMA. They did not include the runoff into the
25 irrigation ditches and canals.
- 26 • M Pierce explained that they divided the City into basins. This allows them to model the discharge from
27 each basin. He explained that topography and infrastructure are considered in determining a basin area.
- 28 • M Pierce explained that the report discusses areas that are not contained. It discusses the soil groups. “A”
29 soil will percolate better than “D” soil. The report also discusses the flow rate from the sub-basins, using
30 existing conditions for a 100-year storm event. M Pierce explained that multiple 100-year storms can
31 occur in a single year. M Pierce explained that the report also discusses the effect of future development
32 on the basins.
- 33 • M Pierce explained the report identifies proposed projects to improve the storm water system. The
34 locations are for illustration purposes and not exact sites.
- 35 • M Pierce explained the natural drainage in the area of 300 South SR165.
- 36 • R Sneddon asked for criteria to prioritize projects. M Pierce explained that incoming development can
37 impact the priority. He explained that the Spring Creek Parkway (500 North area) may be a priority
38 because of the amount of development to the east and adjacent to the Parkway.
- 39 • M Pierce explained that the inventory of the existing system needs to be improved. He explained that
40 some of the pipes are dual purpose (drainage/irrigation). He explained that the information can be put
41 into GIS. He also suggested that the report could be considered in adjusting the storm water rates. This
42 could also be used to create a storm water impact fee. R Sneddon suggested that the irrigation companies
43 may have data that would be useful. M Pierce felt that getting agreements and working together with the
44 irrigation companies would be a very good thing to do.
- 45 • R Sneddon felt that the City should take the lead on the inventory. M Pierce agreed, but felt that the
46 canal companies may have information that may be valuable.
- 47 • K Eck asked about holding a workshop to identify which projects should be priority. R Stapley felt that the
48 City should look at the 500 North project. He explained the ponds to the east are currently acting as
49 retention ponds. As the line in 500 North is improved, the retention ponds will become detention ponds.
- 50 • R Sneddon asked about staffing for data collection. R Stapley explained that the staff is considering
51 options.
- 52 • R Stapley spoke to the 500 South project. He explained that the City is designing the culinary waterline
53 improvements for 500 South. It may be wise to include the storm water line in the 500 South project. M

Pierce explained that the flow rates will provide the information needed for line size.

- Ashley Nance of Providence felt that each new development on the east bench would bring an increased impact to lower areas.
- B Fresz recommended that the Council review the report for future meetings.

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

R Stapley, Public Works Director:

- No report

S. Bankhead, Administrative Services Director:

- No report

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

- None

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).

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.

Motion to enter into an executive session – R Sneddon, second – D Giles

Vote:

Yea: K Allen, K Eck, D Giles, R Sneddon, B Fresz

Nay: None

Abstained: None

Excused: None

Entered approximately 7:45pm

Motion to close the executive session – B Fresz, second D Giles

Vote:

Yea: K Allen, K Eck, D Giles, R Sneddon, B Fresz

Nay: None

Abstained: None

Excused: None

Closed approximately 9:55pm

Motion to adjourn – D Giles, second – R Sneddon

Vote:

Yea: K Allen, K Eck, D Giles, R Sneddon, B Fresz

Nay: None

Abstained: None

Excused: None

Meeting adjourned approximately 9:56pm

Minutes prepared by Mindi Petersen

John Drew, Mayor

Skarlet Bankhead, City Recorder