

PROVIDENCE CITY COUNCIL MEETING MINUTES

February 12, 2019 6:00 PM

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

Opening Ceremony:

Call to Order:	Mayor Drew
Roll Call of City Council Members:	Mayor Drew
Attendance:	K Eck, B Fresz, R Sneddon
Excused:	K Allen, D Giles
Pledge of Allegiance:	Mayor Drew
Opening Remarks – Prayer:	Robert Jackson

Approval of the minutes

Item No. 1. The Providence City Council will consider approval of the minutes of January 22, 2019

Motion to approve the minutes for January 22, 2019 –B Fresz, second – R Sneddon

Vote:

Yea: B Fresz, R Sneddon, K Eck

Nay: None

Excused: D Giles, K Allen

Corrections:

- Page 6 Line 265 **\$45,600** is 80% of Cache Valley’s median household income

Item No. 2. The Providence City Council will consider approval of the minutes from the Budget Workshop on February 4, 2019.

Motion to approve the minutes for February 5, 2019 Budget Workshop, 2019 –B Fresz , second R Sneddon

Vote:

Yea: B Fresz, R Sneddon, K Eck

Nay: None

Excused: D Giles, K Allen

Corrections:

- Page 2 Line 57 EMS all caps
- Page 2 Line 77 historically based and calculated by the outside auditors

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.

- None

Public Hearing(s):

Item No. 1. Public Utility Easement (PUE) Vacation and Relocation (6:15) PM: It is proposed that the City vacate and relocate a 24-ft public utility easement in the general area of 720 South 150 East, Providence. Prior to making a decision on public utility easement vacation and relocation, the City Council is holding a public hearing. The purpose of the public hearing is to provide an opportunity for anyone interested to comment on the proposal before action is taken. The City Council invites you to attend the hearing in order to offer your comments.

- No public comments

Item No. 2. Audit Report: Kaela Cornwell of Ulrich & Associates, P.C., will present the 2018 financial report.

- Kaela Cornwell explained that this is the fourth year Ulrich & Associates, P.C., has performed the audit for Providence City. She reported on the financial position of the city throughout the year.
- K Cornwell explained the opinion on page 2. She explained that this is an unqualified or clean opinion. This means that there were no material problems or discrepancies.

- K Cornwell explained that page 5 offers a summary of the financial position of the City.
- Page 18-19 contains the balance sheet and income statement sheet for governmental funds for the year. This includes the General Fund and the Capital Projects Fund. K Cornwell reviewed the cash on hand at the end of the year. There is about \$1.6 million of non-restricted General Fund money. The City does not have any large liabilities besides the expected accounts payable and accrued payroll. The City's unrestricted general fund balance has gotten higher than state regulations allow. State law allows for unrestricted money in the general fund to be equal to or less than 25% of general fund revenues for the year. The City is about \$470,000 over where it should be. K Cornwell recommends transferring extra money into the capital projects fund.
- Page 19 is the statement of revenues, which is an income statement for the general fund. Fund balances were in a healthy balance at the end of the year.
- Page 23 is the statement of net position or balance sheet for propriety funds. These are utility funds for water, waste water, and storm water. They were all in a positive, healthy balance. The only long term outstanding liability is water revenue bonds.
- Page 24 is the income statement for proprietary funds. There are no state limits on these funds. The funds are in a positive balance, and are taking into account depreciation expense, as well.
- Page 37 has capital assets for governmental activities. These are large investments, such as buildings, improvements to buildings, machinery, etc.
- Page 39 is about long term debt. The city has one revenue water bond outstanding with a balance at the end of the fiscal year of \$426,000.
- The only finding in the report is that the unrestricted General Fund balance exceeds the state limit.
- B Fresz asked if roads are considered assets. K Cornwell said that they are included in infrastructure. The original cost included in the report was \$8 million. They are not reported at fair market value.
- Mayor Drew would like to have a rate study completed and asked what the mechanics to have it recorded are. K Cornwell explained that the balance sheet would not be changed until new assets or infrastructure is put into place. Depreciation is only booked on historical costs, regardless of the results of a rate study.
- Mayor Drew asked where the adjustment comes from in the accounting when more funds are collected due to increased rates following a rate study.
- S Bankhead explained that it is entered into the General Fund as restricted funds.
- R Sneddon asked about rainy day funds, and about the state law limiting unrestricted general fund money. He asked if money can be moved around between the General Fund and Capital Projects Fund. K Cornwell explained that it can be moved.
- Mayor Drew explained that this type of audit does not render an opinion about whether the funds were spent efficiently or effectively.

Business Items:

Item No. 1. Ordinance 2019-002 - Public Utility Easement (PUE) Vacation and Relocation: The Providence City Council will consider for adoption an ordinance to vacate and relocate a 24-ft public utility easement in the general area of 720 South 150 East, Providence.

Motion to approve the ordinance 2019-002 – R Sneddon, second – B Fresz

Vote:

Yea: B Fresz, R Sneddon, K Eck

Nay: None

Excused: D Giles, K Allen

Discussion:

- S Bankhead explained that there is currently nothing in the ground in this easement. This is in the area of a proposed subdivision. The city would like to relocate the future utilities for the subdivision to under the street.

Item No. 2. Ordinance 2019-003 – Code Amendment: The Providence City Council will consider for adoption an ordinance amending Providence City Code Title 10 Zoning Regulations, by adding Chapter 13 Accessory Dwelling Units. The purpose of this chapter is to establish a city ordinance governing the construction and use of accessory

dwelling units (ADUs). ADUs are separate units detached from the primary residence. Chapter 12 of this Title covers accessory dwelling units, which are attached to the primary residence.

Motion to approve the ordinance 2019-003 with summary changes as stated – B Fresz , second – K Eck

Vote:

Yea: B Fresz, R Sneddon, K Eck

Nay: None

Excused: D Giles, K Allen

Discussion:

- Mayor Drew gave a background on the process of the development of this ordinance.
- Mayor Drew explained that ADU ordinances are promoted by the League of Cities and towns to create infill development and provide additional housing without additional infrastructure. He explained that ADUs also contribute to solving the housing shortage, and allow elderly residents to rent out an apartment to a tenant or caregiver so that they can age in place.
- The City Council discussed the Planning commission recommendations.
- The Planning Commission recommended the following change: Page 6 line 38 ~~no off-street parking required~~ Parking requirements will be per Providence City Code 10-8-6.
- S Bankhead explained that this requires two spaces for a single family dwelling, and they are supposed to be in a driveway, garage or area set aside for that purpose.
- B Fresz and K Eck felt that the parking will self-police, and that the ordinance should say "no off-street parking requirement." Some elderly residents may not even need to own a car, and thus there could be space for the ADU tenants' vehicle(s).
- Page 7 line 7 – The Council discussed the number of months that should be allowed for legalizing existing ADUs. 12 months was decided upon.
- Page 7 Line 15 - The Council decided that the time given for compliance with the Uniform Building Code should be 6 months from the date of application for legalization of an existing ADU.
- The issue of setbacks was discussed. Some existing accessory buildings could easily be converted into ADUs, except for the fact that they were built with the 5 ft setback requirement of accessory buildings.
- The Council discussed what level of misdemeanor should be charged for violation of the ordinance. It was decided that it should be Class B, so as to be consistent with other sections of Providence City zoning code.
- The Council decided to strike the last page, including language that prohibits manufactured homes. B Fresz noted that manufactured homes refers to a building technique, not a style of housing.
- The Council discussed how to deal with existing buildings that could be converted to an accessory dwelling unit, but that do not meet the setback requirements because they were built as accessory buildings with a minimum 5 ft setback.
- R Sneddon expressed that neighbors should be involved in the process. Changing an unoccupied structure to an occupied one could be viewed negatively by some neighbors. Residents will be more favorably inclined to the ordinance if these types of negative situations are avoided.
- K Eck expressed that converting these types of buildings to ADUs fulfills the purpose of the ordinance, which is to make it easy to increase the housing stock.
- It was decided that the owners of such structures could apply for a conditional use permit, and that a public hearing would be held before the Administrative Land Use Authority. Neighbors would be notified of the public hearing.
- S Bankhead warned that with conditional uses, the City cannot deny one application and approve another, simply on the basis of the neighbors' opinions.

In summary, the Council decided on the following changes.

- Page 1 of 7 line 28 – housing shortage ~~rather than developers who may have no ties to the neighborhood~~
- Page 4 of 7 line 37 – housing shortage ~~rather than developers who may have no ties to the neighborhood~~.
- Page 5 of 7 line 34 – ADUs are a permitted use in ~~specific~~ **all** residential zones
- Page 6 of 7 line 24: New ADUs are subject to the same ordinances that apply to the principal dwelling unit as far as zoning and setbacks. **Existing structures that do not meet setback requirements may be approved**

on a conditional basis. Adjacent property owners will be notified, and a public hearing will be held before the Administrative Land Use Authority, which will either approve or deny the conditional use.

- Page 6 line 38 will continue to read "no off street parking requirement."
- Page 7 of 7 line 7-- 12 for number of months
- Page 7 of 7 line 10--Class B misdemeanor, referencing city code.
- Page 7 of 7 line 13--12 months
- Page 7 of 7 line 16--6 months
- Page 7 of 7 line 17--6 months
- Page 7 Strike notes starting with "suggested policies" down to "construction."

Public Comments:

- John Mock of Providence feels that off street parking would be a good thing in the winter. Mayor Drew explained that the winter parking ordinance would still be enforced.
- J Mock asked about the maximum size of accessory dwelling units, and whether existing shops/buildings will be held to the same standard. Mayor Drew said that they will be.
- Mayor Drew explained that there are setback requirements, height limitations (no higher than the primary dwelling), and a limit on the amount of the backyard area that can be occupied by the ADU (25%). There is also a maximum square footage for an ADU (1200 sq ft).
- J Mock asked if an accessory building that was over the maximum square feet could be split so that part of it was an ADU.
- B Fresz said that that will be addressed in Chapter 12, Accessory Apartments.
- J Mock asked if there could be multiple units within one ADU, with multiple families. B Fresz said that it is limited to one unit. J Mock asked about the number of people allowed in the unit. B Fresz said that it is a single family, but that we do not restrict the size of someone's family.
- J Mock asked about how enforcement will be handled. Mayor Drew explained that Providence City does not have a code enforcement officer, but if it is brought to the attention of City staff, it is looked into.
- Josh Paulsen explained that if no off street parking is required, it will create a much bigger issue than expected. He felt that even in situations where the owner may not have a car, and thus no extra parking is needed for the ADU, the situation will change over time as the property is bought and sold. He explained that neighborhoods would feel better about ADUs if the character of the neighborhood is preserved by requiring off street parking. He agreed with Councilman Sneddon that having an accessory building near the property line is different from having an occupied Accessory Dwelling Unit near the property line.

Item No. 3. Resolution 002-2019 – Development Agreement Providence Shire Subdivision: The Providence City Council will consider for adoption a resolution approving the Development and Public Improvement Installation Agreement for Providence Shire Subdivision, a 14-lot single-family residential subdivision located at approximately 400 East and Spring Creek Parkway.

Motion to approve the resolution 002-2019 – R Sneddon, second – K Eck

Vote:

Yea: B Fresz, R Sneddon, K Eck

Nay: None

Excused: D Giles, K Allen

The following information from the development agreement was referenced:

Street Improvements. The Developer agrees to construct the street(s) as indicated on the Final Plat and Approved Construction Drawings.

Seal Coat on Asphalt Surfaces. Pursuant to Providence City Code 11-4-3:R. The Developer agrees to pay a seal coat fee equal to the square footage of road surfaces in the subdivision multiplied by the cost per square foot for the type of seal coat to be used. Estimated square footage as shown on the Engineer's Cost Estimate: 21,750. Estimated cost per square foot as determined by the Providence City Public Work Director: \$0.24; total seal coat fee: \$5,220.

Cul-de-sac: The cul-de-sac will be constructed as shown on the Approved Construction Drawings. The asphalt width has been adjusted to meet the minimum 7-ft park strip and minimum 5-ft sidewalk requirements. The adjustment was approved by the fire inspector.

Water Requirement: Pursuant to Providence City Ordinance § 8-1-21, this development will require 6.3 acre-feet of water for indoor use, and 14.0 acre-feet of water for outdoor use; for a total requirement of 20.3 acre-feet. The Culinary Water Authority (CWA) for Providence City recommends the developer dedicate water shares. The developer agrees to convey to the City 7.44 shares from Spring Creek Water Company.

- S Bankhead explained that depending on the size of buildings in the subdivision, the water pressure may not be sufficient for fire flow. In this case, the installation of a fire suppression system and other fire protection measures may be required. Buyers should be aware that this may be required before they make plans for their home.
- S Bankhead explained that the developer has 4 water shares, and wanted to purchase 3.44 more to meet the water requirement. However, if he is unable to purchase them, S Bankhead requested that he be allowed to pay fee-in-lieu at a price of \$3,000 per acre foot.

Construction Period. Two Year Construction Period for Completion of Public Improvements. Pursuant to Providence City Code § 11-5-3, construction of the Public Improvements must be completed within two years of the date that the Approved Construction Drawings were signed by the City Engineer. Developer agrees to complete all required Public Improvements to the furthestmost structure no later than the ____ day of February, 2021.

- S Bankhead explained that once the construction drawings have been signed, the date will be filled in on section 2.1.
- S Bankhead explained that there is a ditch in lots 8-12, and a detention pond in lots 13 & 14. The owners of those lots are required to keep the storm water facilities within their properties maintained.
- B Fresz asked if the water shares can be carried out to the nearest 100th place decimal.
- S Eames explained that the shares do not have to be quarter shares.
- Sharell Eames asked if the wording in 1.7.2 is standard. She questioned if the irrigation company should be signing off on this. S Bankhead explained that in some cases it is the responsibility of the irrigation company, and in some cases it is the developer's responsibility. The point of the language in the agreement is that it is not the City's responsibility. S Bankhead explained that this section is about the ongoing maintenance agreement after everything is built.
- B Fresz asked if the number of acre feet per Spring Creek Water Company share should be specified in the agreement.
- S Bankhead said that she usually does include that. She will add it.

Item No. 4. Resolution 003-2019 – Development Agreement for Ridgeview Estates Subdivision: The Providence City Council will consider for adoption a resolution approving the Development and Public Improvement Installation Agreement for Ridgeview Estates Subdivision, a 17-lot single-family residential subdivision located at approximately 150 East and Canyon Road.

Motion to approve the resolution 003-2019 – B Fresz , second – R Sneddon

Vote:

Yea: B Fresz, R Sneddon, K Eck

Nay: None

Excused: D Giles, K Allen

- S Bankhead explained that the developer will extend Bessie Lane, and install 150 East

Corrections:

- Page 3, in section 1.2.1 ~~8-in ductile iron~~ **8" PVC C900 water line as per current standard**
- Page 6, section 2.3.4: developer is installing two gravel sumps under 150 east as shown on the approved construction drawings

S Bankhead reviewed the requirements relating to sensitive areas:

Providence City Code 10-5-1 states: All requests for permits involving a lot, parcel or site located wholly or partially within an area subject to the Hazard Flood (HF), Hazard Slope (HS), Hazard Water Table (HW) or Hazard Earthquake Primary Fault (HE), Hazard Wildfire (WF) regulations, shall be dealt with as a request for a conditional use permit under the provisions of Section 10-3-5 of this Title.

- The Final Plat identifies a hazardous slope setback line on Lots 3, 4, 5, and 6.

The following information from the development agreement was referenced:

Water Requirement. Pursuant to Providence City Ordinance § 8-1-21, this development will require 7.65 acre-feet of water for indoor use, and 24.32 acre-feet of water for outdoor use; for a total requirement of 31.97 acre-feet. The Culinary Water Authority (CWA) for Providence City recommends requiring water shares. The Developer agrees to convey to the City 11.71 water shares in the Spring Creek Water Company. Utah Division of Water Rights identifies a per share value diversion of 2.73 acre-feet for Spring Creek Water Company.

- S Bankhead explained that there will be some improvements made to Canyon Road by the developer: Asphalt, curb and gutter, and park strip and sidewalk. The City has also talked to the property owner to the east about possibly putting in sidewalk and curb and gutter there, too.

Item No. 5. Resolution 004-2019 Development Agreement Providence Gateway Subdivision: The Providence City Council will consider for adoption a resolution approving the Development and Public Improvement Installation Agreement for Providence Gateway Subdivision, Phases B – E located at approximately 100 South Gateway Drive.

Motion to approve the resolution 004-2019 – R Sneddon , second – B Fresz

Vote:

Yea: B Fresz, R Sneddon, K Eck

Nay: None

Excused: D Giles, K Allen

Discussion:

- S Bankhead explained that phases B and E are townhomes, and phases C and D are condominiums. The development includes phases A-M. Phase A is complete.
- S Bankhead explained that the developer already installed the public improvements during Phase A.
- The developer has requested that in lieu of a fee in lieu, they be allowed to put the money in escrow until it is determined whether they can create a private secondary water system that would meet some of the water requirements.

The following information from the development agreement was referenced:

1.1 Water Requirement. Pursuant to Providence City Ordinance § 8-1-21:

Phase B of the development will require 9.90 acre-feet of water for indoor use, and 1.56 acre-feet of water for outdoor use; for a total requirement of 11.46 acre-feet.

Phase C of the development will require 4.5 acre-feet of water for indoor use, and 0.48 acre-feet of water for outdoor use; for a total requirement of 4.98 acre-feet.

Phase D of the development will require 4.5 acre-feet of water for indoor use, and 0.48 acre-feet of water for outdoor use; for a total requirement of 4.98 acre-feet.

Phase E of the development will require 7.65 acre-feet of water for indoor use, and 2.76 acre-feet of water for outdoor use; for a total requirement of 10.41 acre-feet.

Total acre-feet required for the 4 phases – 31.83

The Culinary Water Authority (CWA) for Providence City recommends requiring a Fee in Lieu; and that the City consider granting credit toward the Fee in Lieu if the developer installs a secondary water system. The current Fee in Lieu is \$3,000 per acre foot. The developer agrees to maintain within its loan balance a Fee in Lieu of \$95,490, as approved by the city attorney, requiring the signature of the City for withdrawal. Parties will work in good faith to come to an agreement on the potential installation of a secondary water system and the amount of credit, if any, the developer receives against the fee in lieu for such installation.

1.1.1 Mitigation of runoff water from the property to the east: As demonstrated on sheet C201 (grading plans) in the Approved Construction Drawings, off-site drainage from the parcel to the east will be directed to the north and to the south around the 7-unit townhome building. Run-off will be directed over land towards storm drain box #1 (applies to phases B & E).

- S Bankhead explained that when the City Engineer approves the construction drawings, the date will need to be filled in on Page 3.
- S Bankhead explained that the storm water system is yet to be determined. The City will enter into a storm water agreement with the developer at a later date.
- B Fresz noted that most of the water required for this development is for indoor use. The secondary water system would only apply to outdoor use. He wondered why we have put the entire fee-in-lieu amount in escrow, when most of it is for indoor use which will not be affected by the secondary water system. He asked when we usually take the fee-in-lieu payment.
- S Bankhead said that we usually take it prior to recording the final plat.
- R Sneddon asked why there are so many phases.
- Mayor Drew explained that banks require phasing in order to manage risk.

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

R Stapley, Public Works Director:

- R Stapley will start getting quotes for Hillcrest park improvements.
- We should revamp or discontinue Spring Cleaning service. It a \$12-14k service that takes about 3 weeks' worth of work, but drags on for 5-6 weeks.
- R Stapley suggested that residents be required to bring their green waste to the recycling area by the Public Works building, where the City staff could run it through a wood chipper.
- R Stapley suggested naming the reservoir.
- R Stapley said that the Stevensons might want to vacate the utility easement on their property (the 10 ft utility easement on the north). Rocky Mountain Power says that they don't foresee using it. The Stevensons would like to relocate it to where the water main is located, and provide an easement for the new water main that will go up there, as well.

S. Bankhead, Administrative Services Director:

- S Bankhead reported on January 2019 dog licenses and business licenses.
- The check register is higher than normal this month because we paid for the sheriff's contract and the fire contract in the same month.
- We are working on the cemetery expansion project. We thought we were ready, but now we want to rethink our phasing plan.
- Providence Pipeline Notification Service: There are about 7400 citizens in providence, about 2200 residential units, and only 449 people signed up for this service. We should get the word out so that people will sign up. The service has a mapping feature so that if there is a situation or emergency in a certain area, we can notify the people in that area very quickly.
- Mandy Saunders talked to S Bankhead about the playground at Zollinger Park. Shane and Sheyler, City

staff, are looking into upgrading it. They are putting together some prices.

- K Eck asked about ropes playground equipment. S Bankhead said that this is one of the options being looked at.

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.

- K Eck asked if there has been an agreement with Providence Elementary regarding the soccer goals. Mayor Drew explained that Councilman Allen has begun to draft an agreement. The main concerns are liability and damage to the field. The agreement will include a provision that the City will evaluate the damages to the field at the end of the year and pass that cost on to the school district.
- K Eck asked if opening the gates to the baseball diamond will be part of the agreement.
- S Bankhead said that sometimes the gates to the field are open, but people become confused because the dugout gates are locked.
- B Fresz explained that the EPA has a water sense program for irrigation controllers. These use weather data to adjust watering intervals. There are currently rebates for 50% off. B Fresz wonders if this is something that we should look at for all of our parks. They do require Wi-Fi, which could pose an issue. They are about \$300 with the 50% rebate right now. They save a tremendous amount of water by adjusting the watering timing based on weather conditions.
- B Fresz would like to see inexpensive new home design standards that are solar ready. This would involve running an electric conduit to the attic. He also suggested requiring a 240 volt plug be run into the garage for electric vehicles.
- K Eck would like to see compensation for city staff who go above and beyond by attending evening meetings.
- Mayor Drew talked to Dell Loy Hansen about development. One of D Hansen's team sent Mayor Drew a conceptual plan for developing the area north of the City offices, northwest of the intersection of Gateway Drive and Golf Course Road, with a combination of residential and commercial units. It is currently zoned Commercial General District. We would have to consider rezoning it to Mixed Use District. D Hansen would like to meet to talk about it.
- The next budget workshop is schedule for Monday, February 25, 2019

Executive Session Notice:

The Providence City Council may enter into a closed session to discuss pending or reasonably imminent litigation as allowed by Utah Code 52-4-205(1)(c).

The Providence City Council may enter into a closed session to discuss professional competence or other factors allowed by Utah Code 52-4-205(1)(a).

The Providence City Council may enter into a closed session to discuss land acquisition or the sale of real property Utah Code 52-4-205(1) (d) and (e).

Motion to enter an executive session – B Fresz, second – R Sneddon

Vote:

Yea: B Fresz, R Sneddon, K Eck

Nay: None

Abstained: None

Excused: D Giles, K Allen

Entered approximately 8:50pm

Motion to close the executive session – K Eck, second – R Sneddon

Vote:

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

Nay: None

417 **Abstained: None**
418 **Excused: D Giles, K Allen**
419 Closed approximately 9:00PM
420
421 **Motion to adjourn – R Sneddon, second – B Fresz**
422 **Vote:**
423 **Yea: B Fresz, R Sneddon, K Eck**
424 **Nay: None**
425 **Abstained: None**
426 **Excused: D Giles, K Allen**
427 Meeting adjourned approximately 9:00 PM
428 Minutes prepared by Mindi Petersen & Jesse Bardsley
429
430 **APPROVED February 26, 2019**
431
432
433

John Drew, Mayor

Skarlet Bankhead, City Recorder