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

Opening Ceremony:
Call to Order: Mayor Drew
Roll Call of City Council Members: Mayor Drew
Pledge of Allegiance:
Opening Remarks – Prayer:

Approval of the minutes
Item No. 1. The Providence City Council will consider approval of the minutes of April 9, 2019

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(s): None

Business Items(s):
Item No. 1. Agreement: The Providence City Council will consider approving the Heninger Agreement.

Item No. 2. Ordinance No.2019-009 : The Providence City Council will consider for adoption an ordinance changing the name of 500 North between 300 East and Sarah Street to Spring Creek Parkway; and changing the name of 800 East between Eagleview Drive and approximately 100 North to Sherwood Drive.

Resolution 013-2019 Planning Commission Alternate: The Providence City Council will consider for adoption a resolution appointing a Planning Commission Alternate.

Item No. 4. Resolution 012-2019 Standards and Specifications Manual: The Providence City Council will consider for adoption a resolution amending The Providence City Public Works Standards and Specifications Manual by amending drawing C-1A Downtown Street Cross-Sections.

Item No. 3. Budget: The Providence City Council will discuss including but not limited to allocations for a Water Department Employee, City Manager and outsourcing Human Resources.

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 by S Bankhead the 27 day of April 2019.

Skarlet Bankhead

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, 164 North Gateway Drive, Providence, UT.
- Member(s) will be connected to the electronic meeting by teleconference.
PROVIDENCE CITY COUNCIL MEETING MINUTES
April 9, 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
Pledge of Allegiance: Adam Mower, Troop 430
Opening Remarks – Prayer: John Rutledge

Approval of the minutes
Item No. 1. The Providence City Council will consider approval of the minutes of March 26, 2019
Motion to approve the minutes for March 26, 2019 – B Fresz, second – D Giles
Vote:
Yea: B Fresz, R Sneddon, , D Giles, K Allen
Nay: None
Excused: K Eck
Corrections:
- Page 1 line 30 a proposal to restore an the
- Page 1 line 19 K Allen was not excused
- Page 2 line 79 spend-in on
- Page 5 line 232 pass complete
- Page 4 line 180 from Logan City’s SCADA system
- Page 3 line 109 page 3 D Giles voted Nay

Item No. 2. The Providence City Council will consider approval of the minutes for the workshop on April 3, 2019.
Motion to approve the minutes for April 3, 2019 – B Fresz, second – R Sneddon
Vote:
Yea: B Fresz, R Sneddon, , D Giles, K Allen
Nay: None
Excused: K Eck
Corrections:
- 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.
- None

Public Hearing(s):
- None

Business Items(s):

Item No. 1. Proclamation – Utah Family Month: Representatives from The Family Place will review the
proclamation for April 2019.
- Melissa Schaeffer, President of the Board of Directors of The Family Place, explained that free and low
cost services are available at the Family Place for parents and children. This includes therapy, education
and a children’s center for children removed from their homes due to child abuse or neglect. Last year,
the Family Place served over 14,000 parents and children.
- M Schaeffer explained the history of Utah Family Month. It was created by the Association of Family
Support Centers in the state. Gov. Herbert designated the time between Mother’s Day and Father’s Day as a time to focus on families.

- M Schaefger explained the Be Kind Utah campaign and its goal to record 1 million acts of kindness in a 40 day period: "1 Million Ways in 40 Days."

- She suggested that the city help get out the word about the campaign on its website, newsletter, and at the city offices.

- On May 15, the Family Place will hold a City Council Friends of the Family Place luncheon at Herms. They will also have their annual benefit gala on April 26th at the Riverwoods.

**Item No. 2. Resolution 011-2019 Planning Commission Alternate:** The Providence City Council will consider for adoption a resolution appointing Sharon Johnson or Josh Paulsen as a Planning Commission Alternate.

**Motion to approve Resolution 011-2019 appointing Josh Paulsen as Planning Commission Alternate.** – K Eck, second – B Fresz

**Vote:**

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

Nay:

- Josh Paulsen introduced himself and feels that working together and collaboration is important in the city. He explained that he believes in representative government, and that all views of all citizens should be represented. He believes that he represents the views of a number of the residents of Providence. He would be willing to serve if called upon. He is also considering running for City Council.

- K Allen explained that he feels that a wide variety of personalities are needed to be a part of the city council and planning commission.

- R Sneddon explained that there are a few points of view regarding representative government. One is that all of the points of view in the city are concentrated in the five people serving on the Council, and they should represent those ideas. Another point of view is that they are picked because of their background and experience and that their role is to look forward and plan for events that are not yet present. Therefore, they may be independent in their thinking from what other people in the city may think. There is also the possibility of having some combination of the two. He asked how J. Paulsen sees himself.

- J Paulsen explained that he believes that there can be a combination of the two. A planning commission member, however, is not an elected official. There are reasons for that. A city council member is an elected official, and they are accountable both to the citizens and to the city organization whose funds they manage. He feels that there should be a continual dialogue between elected officials and the citizens about business that is conducted. The wisdom and the experience of the council members should be used to implement the vision of the citizens.

- Sharon Johnson introduced herself and explained that after attending planning commission, she was very interested in what was happening. She is a mother of six. She worked for an HMO for 25 years and is now retired. She feels that her greatest qualification is her love for the valley, the residents, and the city. She feels Providence needs to grow commercially and should accommodate all of the people we have here. She thinks that the Life Cycle Zone would be great in the right areas. She wants to help the city grow in the right way.

- The Council decided to appoint Josh Paulsen to the current open spot, and consider Sharon Johnson for the spot that will open in May. Rowan Cecil will also be considered for re-appointment to that spot. For the spot that will open in June, the council will inform the residents of the opening in the newsletter, etc., and see who is interested.

**Item No. 3: Ordinance 2019-008 – Code Amendment:** The Providence City Council will consider for adoption an ordinance amending Providence City Code Title 8 Water & Sewer by adding Chapter 5 Secondary Irrigation Water.

**Motion to pass current version with the rate being half of the current rate structure for culinary water, and to revisit in two meetings to vote on the language changes** – B Fresz, Second - D Giles

**Vote:**

Providence City Council Minutes

Tuesday, April 9, 2019
Yea: B Fresz, R Sneddon, K Eck, D Giles, K Allen
Nay:
Excused:

Discussion:

- The council discussed the proposed changes.
- Strike 8-5-11 subsection G—replace with language to limit to 1" connections
- M Pierce suggested limiting the meter size to 1 inch
- B Fresz asked if there is anything that specifies that filling ponds is not "beneficial use."
- M Pierce said that filling a pond is not beneficial use, but watering livestock is.
- B Fresz asked about the requirement to paint all exposed parts of the system red to warn people that the water is not culinary. Does this extend to sprinkler heads? He also wondered if the requirement to remove handles is realistic.
- 8-5-14 – keep the requirement to paint exposed parts red.
- Appendix A & B - Add Description of Hampshire Park
- Mayor Drew explained that there is an estimated cost of electricity of $25 per house per month or $2500.00 for the whole season for 12 homes. Mayor Drew explained the tier system for the city culinary water and wondered if it would be beneficial for residents to sign up for the secondary water system at that price.
- K Eck felt that the system should be run for a year in order to get more accurate costs.
- The language of the ordinance was discussed. Mayor Drew explained that he added sections to the ordinance to clarify questions that residents had asked.
- B Fresz said that in his version, he corrected some of the language issues, and took out some language that he felt was unnecessary in order to simplify. He also tried to make terms consistent.
- K Allen said that he appreciates all the work that has gone into this ordinance. He feels that the changes that B Fresz suggested ought to be considered.
- Mayor Drew said that we could pass the ordinance now so that R Stapley, Public Works Director, can get started setting up the secondary water system. Then, we could make the language changes in the next few meetings.
- R Stapley said that it would be best to have the ordinance passed within the next six weeks.
- S Bankhead warned that passing the ordinance and then changing things could create confusion among residents who call in to ask questions.
- K Allen said that B Fresz's changes do not change the substance of the proposed ordinance. We could pass what we have now, and it shouldn't cause much issues to make the changes later.
- Mayor Drew noted that cost is not addressed in this ordinance. People calling in will ask about the cost.
- R Sneddon suggested charging half of what we do for the current culinary water structure.

Item No. 4. Resolution 010-2019 Storm Water Master Plan: The Providence City Council will consider for adoption a resolution approving the Providence City Storm Water Master Plan February 2019.

Motion to approve Resolution 010-2019 approving the Providence City Storm Water Master Plan February 2019

- B Fresz, second – R Sneddon

Vote:

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

- Nate Wright of CRS Engineers provided an executive summary on the model and projects that were used. They set up a model to extrapolate existing storm water conditions to build-out. There were five conveyance projects and two storage projects that were identified. Much of this is to account for future growth.
- Mayor Drew asked if this qualifies for impact fee money. N Wright said that that is an option that the city can consider.
- Most of the city is high or moderate infiltration. This is good for storm water.
B Fresz asked about the bid information. He asked if acquisition of property or easements was considered in the bid.

N Wright explained that in cases where it was necessary, land acquisition was taken into account.

Conveyance projects were assumed to be in the city right-of-way.

K Allen asked if we really have so much water running into Millville. N Wright said that this plan includes future construction. Currently, much of the runoff is being retained on-site in the respective subdivisions.

Mayor Drew asked if storm water impact fees could be used to acquire a park that would also be a storm water retention facility.

B Fresz asked if there are any deficiencies that need to be addressed in the immediate future, even if there were no new development.

N Wright said that they are not aware of any existing deficiencies. The projects could be implemented as development progresses.

Mayor Drew asked how we could implement an impact fee for these projects, seeing as we do not know where and when development will occur.

B Fresz asked if there is more detailed information about each proposed storm water project and what the next step would be to have them built.

N Wright said that these are high-level plans. Under current flow rates and conditions, they are ready to go to the design stage.

R Sneddon asked if it would be wise for the city to acquire the land soon while it is cheaper, before someone tries to subdivide it.

S Bankhead asked if calculations have been made about how much of these projects are already necessary for our current storm water situation. N Wright said that those calculations were not made. S Bankhead explained that if an impact facilities study were done, and some of the proposed projects were deemed to be already necessary, then the amount we could charge for impact fees would be reduced.

S Bankhead said that we could create a capital facilities plan based on this study, but not an impact facilities plan.

S Bankhead and the Mayor discussed how the plan would integrate with the Visionary Homes development on the Chugg property. Depending on what the developer will be putting in, it may be best to implement that part of the plan soon.

B Fresz asked what the category "professional services" referred to on the bid.

N Wright said that it is the design fee.

B Fresz asked about construction management.

M Pierce explained that the engineers would not do much during the construction phase.

B Fresz asked about getting the project ready for grant money, which often requires 80-90% plan completion.

Mayor Drew asked what the city would be committing to by approving this plan.

S Bankhead explained that the master plan gives guidance about what our upper-level storm water plans are. It is also a launching point for refining the plan. We can also break off some of the projects and have them evaluated for an impact facilities plan. But mainly, it is guidance. We can have discussions with developers based on this plan.

The Mayor asked when we could charge developers for parts of the project that relate to their development.

S Bankhead explained that impact fees are collected at the time a building permit is issued. The developer is usually done by that time. The impact fees are taken from the home builders.

S Bankhead explained that when impact fees are collected, they then must be used within a six-year time frame. Also, if a project changes, the basis of the impact fees may also change. Impact fees can be difficult to manage, and shouldn't be the only funding option considered.

Mayor Drew asked how we will then know what to include in the impact facilities study.

S Bankhead said that the facilities study would include all the projects. However, when the impact fee analysis is done, the analysts could tell us how each project individually affects the impact fees.

S Bankhead asked if this plan assumes that we will require developments to retain on-site.
• N Wright said that detention to 0.2 CFS is assumed. This is the standard for the Cache County Storm Water Manual.

• R Sneddon asked if the day may come when we are required to treat storm water like they do it in some places on the East Coast.

• M Pierce said that it may happen, and that regulations are getting stricter all the time. However, he is not aware of any proposal in the State of Utah to require full treatment.

• R Sneddon asked if the current plan could be easily converted to a treatment model if needed.

• M Pierce said that it could, and that the more piping of storm water we create, the closer we would be to being ready for that scenario.

• B Fresz asked if we have thought about trash and oil catch basins.

• M Pierce explained that there are catch basins with sumps in the bottom that catch sediment and some of the oil. Then it goes to another basin, where vegetation also catches some of it. There is also a product called a snout which goes into the catch basin to skim off some of the oil and floatables. These are all best management practices that are being used currently. There are cases where you need a grease trap/oil and water separator. They are usually used if you are dumping into a natural water body.

• M Pierce said that there is a rule that is coming up that requires "90th Percentile" retention ponds. They retain the first runoff from a storm that has large amounts of oils, etc. This initial runoff is retained until the contaminants are trapped in the soil.

Item No. 5. Resolution 012-2019 Standards and Specifications Manual: The Providence City Council will consider for adoption a resolution amending The Providence City Public Works Standards and Specifications Manual by amending drawing C-1A Downtown Street Cross-Sections.

Motion to approve Resolution 012-2019 amending the Providence City Public Works Standards and Specifications Manual by amending drawing C-1A Downtown Street Cross-Sections – K Allen, second – D Giles

Vote:

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

Excused:

• The proposed changes would reduce sidewalk, curb and gutter requirements in the downtown area.

• K Eck asked whether this would affect storm water conditions.

• M Pierce explained that he does not believe that it will make much difference.

• K Eck said that she doesn’t understand the need for the change.

• Mayor Drew said that he didn’t understand the need either until he walked those areas of the city. When he observed them in person, he noticed that some parts of the street had curb and gutter, and some did not. It didn’t seem to make sense to create those inconsistencies.

• In the proposed changes, certain streets will not be required to have curb and gutter. The goal is to create consistency within each street.

• R Stapley explained that changes like these will have a long term effect.

• K Allen asked what would change if this is passed.

• R Stapley explained that if someone subdivides on a street with curb and gutter, they will be required to connect into that. If the street has no curb and gutter, they will not be required to put in curb and gutter.

• K Eck thought that this might create a hodge-podge effect as some areas would have curb and gutter and some would not.

• Mayor Drew thought that the intent was to prevent a hodge-podge effect, by not requiring a subdivision on a street with no curb and gutter to put in curb and gutter.

• R Stapley said that there might be issues with storm water swells in areas without curb and gutter.

• D Giles asked if we have had major problems with storm water swells thus far.

• K Eck said there are some issues near her house.

• R Stapley said that he has not properly considered the effects on storm water and other long term effects of this change. He stressed that this decision should be made carefully because it has long-term consequences.
• Mayor Drew suggested that the council take a tour around the city and make notes.
• R Sneddon explained that he likes the quaint feel of no curb and gutter. But as an engineer, he can see the benefits of curb and gutter. He would not be opposed to the city incrementally paying for curb and gutter installation in front of existing houses while also requiring it of developers.
• Mayor Drew explained that when you put in curb and gutter, you also create another challenge due to water flowing down to the end of the street. FEMA recommends building without curb and gutter.
• B Fresz explained that he feels that a study needs to be completed before a decision can be made. He feels that there is a lot of information from traffic studies and proposed transportation plans that needs to be merged with this.
• K Eck felt that there is no need to be in a hurry.
• B Fresz said that the executive staff should go over the report and fix some of the obvious errors.
• S Bankhead said that executive staff could go over it and reconcile it with the general plan and the street ordinances. The current report was not done by engineers.
• S Bankhead said that the proposed changes do not advocate that the City give up any right of way. Rather, they advocate for a 66 ft road profile. Any remaining right-of-way would be made into a sidewalk and extra-wide park strip. The ultimate decision about the curb and gutter requirements falls on the Council.
• Mayor Drew said that the best way to formulate an opinion would be to walk the city with Brian Olsen. He said that the question is whether we want downtown to remain quaint.
• B Fresz said that the bigger question is whether this matches with our future transportation plans.
• K Eck said that 100 East is a road that will continually get more traffic on it. She is concerned about the plan that designates this road as "no new curb and gutter."
• K Eck asked what the motives behind this plan are.
• D Giles said that this plan is about preventing haphazard sidewalk situations such as occur in Richmond. The city will not have the money to complete the network, and thus there will be sections of sidewalk that lead nowhere.
• B Fresz suggested that the plan be corrected and brought back before the council.

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

R Stapley, Public Works Director:
• Public Works staff is working on the shoulder box issue. They have looked into having a machine shop fabricate the boxes so that they fit in the back of the truck. Cost estimates were discouraging, but Jason thinks he can fix the problem in our shop by retrofitting a truck or trailer.
• A new antenna has been installed at the Public Works shop.
• We are using the April transfer agreement with the water company. Typical winter usage is about 900,000 gallons per day. The current April usage is comparable to the winter use. Over the past few years, there has been an increase in winter use of about 100,000-200,000 gallons per day.
• Logan City is sending us SCADA sewer data. We are sending about 700,000 gallons per day through the sewer system. This is a reasonable amount when compared to water use. However, the sump pump usage period is just starting. We will see how that affects the sewer amounts.
• Public Works staff is planning to search for and address sump pump usage. The searching will start tomorrow.
• The current policy prohibits sump pump water being directed into the gutters. However, we are considering a temporary or permanent change to allow people to do it. R Stapley is concerned about this possible change. Some people could pump water almost continually onto the curb. Also, we need to assess whether storm water facilities can handle the increase. However, one benefit of allowing people to pump into the street is that we could at least get a picture of the magnitude of the problem and consider ways the city could help. Ultimately, if we could fix the issues, we could also fix the sewer infiltration problem.
• K Eck reported that in Nibley, she saw a neighborhood where it appeared that residents were allowed to pump onto the curb and gutter.
• R Stapley, Max Pierce, John Hubbard, and Brian Hair (BSF water master) walked the Blacksmith Fork irrigation canals. J Hubbard took notes. It was a very informative inspection. There are some tasks that we
need to work on before water is put into the canals.

- B Fresz asked that R Stapley email him and John Hubbard when he completes those tasks.
- R Stapley said that the Public Works Department is trying to keep a much better record of work that they do for each of the water companies.
- B Fresz asked about how the storm water system is cleaned.
- R Stapley said that cleaning storm water systems is generally done from the top down. However, our system is not all organized in a top-down way. Our storm water maintenance has been reactive, focusing on the problem areas. Continued maintenance on a routine plan is the best way to go.
- B Fresz asked if we have inspected all of our storm water culverts.
- R Stapley said that we have not. We could definitely use another employee in the water and sewer department. We could keep them very busy.
- B Fresz asked if we could use the time that we used to spend on the spring tree limb pickup on storm water cleaning.
- R Stapley explained that the street department has a lot to do already.
- Mayor Drew asked where the debris that is sucked into the vector is dumped.
- R Stapley said that storm water debris is dumped behind the green waste bins at the public works facility, and then hauled to Logan City landfill. Sewer debris is NOT dumped there. Sewer debris goes back into the sewer system.
- K Eck asked about Jay’s Well park and whether we have money to put in exercise equipment.
- R Stapley said that there is not much budget left.
- K Eck asked where the money went that we saved by not putting in irrigation. She would like to see a breakdown of where the money went.
- R Stapley said that an Eagle Scout has volunteered to do some work on the park. He is considering fixing up the corner area that the city left undone.
- Mayor Drew explained that due to the well on the site, we wanted to come up with a solution that would not use weed killer or fertilizer.
- R Stapley said that using a little bit would be fine.

S Bankhead, Administrative Services Director

- M Pierce, R Stapley, S Bankhead and the Mayor met with the property owners of the land in the southwest county “island.” Kathy Fuhriman was there representing her property and the Low family. Marin Hoth, Hans Petersen, Mark Anderson, Kent Dunkley, Jerry Fickas, and Richard and Kathleen Alder were also there. Most of the property in question cannot gravity flow back to our existing sewer. A location for a regional sewer lift station was discussed, as well as easements, main lines, and the difficulty of getting the sewer under the slough. Most of the property owners were receptive. Costs were not discussed. The meeting will be reconvened in 6 weeks, by which time M Pierce will have a more refined plan. Mr Hoth is the only one not interested in participating. His property is on the very south end, and therefore the system could function just fine without including his property.
- There is interest in the 10 acre parcel at the west end of 500 South by potential purchasers who want to turn it into an active adult community.
- Mayor Drew explained that in the next meeting, rights of way will be discussed for the sewer trunk lines. If those property owners want to see their land developed, they will need to provide the rights-of-way.
- S Bankhead explained that we had previously thought we could do a gravity line along 300 S which would connect to Logan City’s lift station. However, Logan City said that in order for that to happen, the lift station would need to be upsized. Some sewer lines connected to it would also need to be upsized. We concluded that it would be better to build a regional lift station that would only serve Providence.
- Soccer games are supposed to start on Saturday. Fields have been closed because of weather conditions.

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 Allen said that he thinks that in the case of Providence Elementary School, we should err on the side of letting the children use our field, even if we have to do some cleanup work.

S Bankhead said that someone recently broke into the field when it was locked.

Bob Perry of Providence said that he sometimes sees a four-wheeler in that park.

D Giles asked about Veteran’s Day. S Bankhead said that Esther in the city office is working on the veteran’s list.

D Giles, K Allen, and B Fresz will go down to a local government’s conference in St George in two weeks. Postponing the council meeting was discussed.

Mayor Drew mentioned that Brent Bateman from the state Office of the Property Rights Ombudsman recommended that the Planning Commission be solely for legislative support. The administrative decisions, which are decisions of whether or not something follows the ordinance, should be left to the staff.

S Bankhead said that the way that things are operating right now, where the Planning Commission approves preliminary and final plats for subdivisions, works well because it allows S Bankhead, R Stapley, and M Pierce to have discussions about the subdivisions in Executive Staff meeting rather than in Land Use Authority. This makes it easier to discuss things with the developer and make needed adjustments to get things prepared for the approval stage. If the Land Use Authority were required to make the final approval on subdivision plats, then any S Bankhead, R Stapley and M Pierce met together would need to be a public meeting. Subdivisions are complicated and require many adjustments that would be easier to do before it went to public meeting. However, conditional uses, multi-family design standards, and commercial site plans are working fine in the Land Use Authority.

If the planning commission no longer reviewed the documents, they would need to convene as an Administrative Land Use Authority, with only those three decision-making members. Currently, conditional uses and commercial site plans receive outside recommendations from the fire department and Logan City Environmental, and then are approved by the Administrative Land Use Authority. The Authority does not have to spend much time getting into the details of the ordinances.

The next council meeting will be on April 30th. Budget items will be discussed, including adding staff members such as a city manager and a water department employee. B Fresz also suggested outsourcing some human resource work.

Mayor Drew said River Heights would like to discuss an agreement regarding the cemetery. They will submit a proposal for the council to consider.

Motion to enter Executive Session – B Fresz, second R Sneddon,

Vote:

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

Nay: None

Abstained: None

Excused:

Entered at approximately 10:00 pm

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

Motion to close the executive session – K Eck second – D Giles

Vote:

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

Nay: None

Abstained: None
Excused:
Closed approximately 10:55pm

Motion to adjourn – K eck, second – b Fresz

Vote:
Yea:  B Fresz, K Allen, R Sneddon, K Eck, D Giles
Nay:  None
Abstained: None

Excused:
Meeting adjourned approximately 10:55 PM
Minutes prepared by Mindi Petersen & Jesse Bardsley

______________________________  ________________________________
John Drew, Mayor               Skarlet Bankhead, City Recorder
SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS

This Settlement Agreement and Release of Claims (the “Agreement”) is entered into by and between Providence City, a Utah political subdivision (“Providence”), on the one hand, and Spencer and DeAnne Heninger, a married couple (the “Heningers”), on the other hand, as of this 9th day of April, 2019. Providence and Heningers are sometimes referred to herein individually as a “Party” or collectively as “Parties”.

RECITALS

A. Providence is a Utah municipality in Cache County, Utah, in whose boundaries is located a parcel of land with the address of 560 Hillsborough Drive (the “Property”).

B. Heningers are the owners of the Property.

C. In November 2018, the Heningers obtained a zoning approval from Providence for the construction of a home on the Property.

D. On November 9, 2018, the Heningers obtained a building permit from Cache County for a dwelling on the Property.

E. In December 2018, after the Heningers had completed certain excavation and improvements and were installing foundation walls on the Property, Providence informed the Heningers for the first time that the side yard setback for the Property is 20 feet, instead of 10 feet as shown on the Heningers’ approved plans and permit.

F. Subsequent to the initial installation work, Providence requested that Heningers stop work on the Property.

G. There has been a dispute among the Parties as to who bears responsibility for the location of the dwelling 10 feet from the west boundary of the Property. Rather than continue their dispute, the Parties held a mediation and have agreed to settle their dispute and claims on the terms set forth herein.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Movement of House Structure. As of the date of this Agreement, Heningers are continuing to work on moving their house structure, or the portion located within the area marked on the attached Exhibit A as the “Setback Area”. Heningers may adjust their east Property boundary and shift the entire house or move other aspects of the house structure so long as the adjustment of any boundary does not create a legal non-conformity. Heningers may also elect to move the house structure out of the 20 foot Setback Area through reconfiguring those house structure improvements located within the depicted Setback Area. Upon the movement of the house structure out of the 20 foot Setback Area, Heningers will be deemed to have satisfied their obligations to Providence under this Agreement. For purposes of this Agreement, the term “house structure” shall mean the house/home structure’s exterior walls. Nothing in this
Agreement shall prevent the Heningers from locating landscaping, retaining walls, patios, planters and/or improvements allowed by code in the side yard setback, including the Setback Area. Further, this Agreement shall not prevent Heningers from locating an accessory structure, such as a pool house, as close to the west boundary of the Property as the zoning laws permit. Both Parties agree to cooperate with the other in facilitating the movement the house structure as described in this paragraph and Providence agrees to remove any red tags or permit holds. Providence further agrees not to charge Heningers any plan review or other fees associated with having plans reviewed and approved to develop the Property as described herein.

2. Payment. Upon execution, Providence will pay Heningers the amount of Twenty Five Thousand Dollars ($25,000) (the “Initial Payment”) based upon Heningers’ agreement to move the house structure out of the side yard setback as described in paragraph 1.

3. Mutual Release. In exchange for the promises and covenants set forth herein and conditioned upon the payment of the Settlement Amount, and except for any claims arising under this Agreement, the Parties to this Agreement agree to release and waive as against each other, including any and all officers, managers, agents, attorneys, owners, council members, and representatives of both Parties, any and all claims, counterclaims, demands, damages (of any kind whatsoever), obligations, liabilities, breaches of duty, acts, omissions, causes of action, costs, attorneys fees, losses, and expenses arising out of, related to, or connected to the issuance of the permit and installation of the Heningers’ house structure in the Setback Area shown on Exhibit A.

4. Authority. Providence represents that it has received all required approvals to enter into this Agreement.

5. Representation of Counsel. The Parties acknowledge that they have received the advice of legal counsel in connection with this Agreement and that they have entered into this Agreement of their own free will after having consulted with their legal counsel.

6. No Prior Assignments. Each Party represents and warrants to the others that it has not assigned or transferred to any other person or entity, either directly or indirectly, voluntarily or involuntarily, any of the claim, right, action or cause of action released hereunder.

7. Binding Against Successors and Assigns: This Agreement shall be binding upon and inure to the benefit of the Parties hereto and their respective predecessors, successors, heirs and assigns.

8. Integration/Interpretation. This Agreement sets forth the complete, final and integrated agreement of the Parties. The Parties agree that the provisions contained in this Agreement shall not be construed in favor of or against any Party because that Party or its counsel drafted this Agreement, but shall be construed as if all Parties prepared this Agreement, and any rules of construction to the contrary are hereby specifically waived. The terms of this Agreement were negotiated at arm’s length by the Parties hereto. This Agreement shall be interpreted under and construed according to the laws of the State of Utah.

9. Disputed Claims/No Admission of Liability. The Parties hereto agree that by agreeing to this Agreement they are in no way admitting liability to the other, which liability is expressly denied.

10. Written Changes. Any waiver of, or promise not to enforce, any right under this Agreement shall not be enforceable unless evidenced by a writing signed by the Party making
said waiver or promise. Except as set forth in a writing signed by the party waiving any right under this Agreement, any waiver of any right under this Agreement shall not operate as a continuing waiver or as a waiver of any other rights. No provision of this Agreement may be changed or amended except by a written agreement signed by all Parties hereto.

11. **Attorneys Fees.** In the event of any litigation or dispute resolution relating to this Agreement, the prevailing Party shall be entitled to collect from the other Party to such litigation or dispute resolution any and all reasonable costs (including attorneys' fees) incurred by the prevailing Party in connection with such litigation or dispute resolution. Such relief shall be in addition to any other relief to which the prevailing Party may be entitled.

12. **GRAMA.** The disclosure of this Agreement shall be governed by the Government Records Access and Management Act and may be disclosed upon a request made under this act.

13. **Counterparts.** This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same agreement, even though all Parties do not sign the same counterpart. A signature received by facsimile transmission shall be as effective as an original signature and shall be sufficient to bind the signing Party.

AGREED to and executed as of the first dated listed above.

Approved by:  
Providence City Attorney's Office  

By:  
Chad Woolley, Esq.  

Attest:  
By:  
Providence City Recorder

Approved by:  
SNELL & WILMER L.L.P.

By:  
Wade R. Budge

“Providence”  
PROVIDENCE CITY, a Utah political subdivision  

By:  
Its:  

“Heningers”  

Spencer Heninger  

DeAnne Heninger
Ordinance No. 2019-009

AN ORDINANCE CHANGING THE NAME OF 500 NORTH BETWEEN 300 EAST AND SARAH STREET TO SPRING CREEK PARKWAY; AND CHANGING THE NAME OF 800 EAST BETWEEN EAGLEVIEW DRIVE AND APPROXIMATELY 100 NORTH TO SHERWOOD DRIVE.

WHEREAS UCA § 10-9a-102.2 states “...municipalities may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls...” 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...

WHEREAS, UCA § 10-8-32 give municipalities the authority to name streets, courts, parks, thoroughfares and other public places and change the names thereof.

WHEREAS 500 North connects with Spring Creek Parkway at approximately 536 East and continues west to 300 East; Spring Creek Parkway is planned to continue west (directly across from 500 North) from 300 West to its existing location at approximately 128 East. The City desires to change the name of 500 North (between the two ends of Spring Creek Parkway) to Spring Creek Parkway.

WHEREAS 800 East connects with Sherwood Drive at the intersection of Sherwood Drive and Eagleview Drive and runs north. The City desires to change the name of 800 East north of Eagleview Drive to Sherwood Drive.

THEREFORE be it ordained by the Providence City Council

- 500 North between the two ends of Spring Creek Parkway shall be changed to Spring Creek Parkway; and

- 800 East north of Eagleview Drive shall be changed to Sherwood Drive.

This ordinance shall become effective immediately upon passage and posting or 30 days after final passage, whichever is closer to the date of final passage.

Ordinance adopted by vote of the Providence City Council this 30 day of April 2019.

Council Vote:

Allen, Kirk  ( ) Yes  ( ) No  ( ) Excused  ( ) Abstained  ( ) Absent

Eck, Kristina ( ) Yes  ( ) No  ( ) Excused  ( ) Abstained  ( ) Absent

Fresz, Brent ( ) Yes  ( ) No  ( ) Excused  ( ) Abstained  ( ) Absent

Giles, Dennis ( ) Yes  ( ) No  ( ) Excused  ( ) Abstained  ( ) Absent

Sneddon, Roy ( ) Yes  ( ) No  ( ) Excused  ( ) Abstained  ( ) Absent

Signed by Mayor John Drew this day of May 2019.

Providence City

______________________________
John Drew, Mayor

Attest:

______________________________
Skarlet Bankhead, Recorder

Ordinance No. 2019-009
Street Name Change: 500 North to Spring Creek Parkway; 800 East to Sherwood Dr
Ordinance No. 2019-009
Street Name Change: 500 North to Spring Creek Parkway; 800 East to Sherwood Dr
Resolution 013-2019 Planning Commission Alternate: The Providence City Council will consider for adoption a resolution appointing a Planning Commission Alternate.

The information for this item will be available on Monday, April 29.
Resolution 012-2019

A RESOLUTION AMENDING THE PROVIDENCE CITY DEPARTMENT OF PUBLIC WORKS STANDARDS AND SPECIFICATIONS MANUAL BY AMENDING DRAWING C-1A DOWNTOWN STREET CROSS-SECTIONS.

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 Mayor Drew recommends the City Council consider reducing the number of streets in the Downtown Area that require curb and gutter.

- The attached draft of C-1A Downtown Street Cross-Sections has been prepared to reflect changes proposed by Brian Olsen and Mayor Drew.

THEREFORE be it resolved by the Providence City Council:

- The attached draft of C-1A Downtown Street Cross-Sections shall be approved and the Department of Public Works Standard and Specifications Manual be updated to reflect the changes.
- This resolution shall become effective immediately upon passage.

Passed by vote of the Providence City Council this 30 day of April 2019.

Council Vote:
Allen, Kirk ( ) Yes ( ) No ( ) Excused ( ) Abstained ( ) Absent
Eck, Kristina ( ) Yes ( ) No ( ) Excused ( ) Abstained ( ) Absent
Frez, Brent ( ) Yes ( ) No ( ) Excused ( ) Abstained ( ) Absent
Giles, Dennis ( ) Yes ( ) No ( ) Excused ( ) Abstained ( ) Absent
Sneddon, Roy ( ) Yes ( ) No ( ) Excused ( ) Abstained ( ) Absent

Providence City

__________________________
John Drew, Mayor

Attest:

__________________________
Skarlet Bankhead, City Recorder
FOR THE CONSTRUCTION OF DOWNTOWN STREET IMPROVEMENTS AFTER APRIL 26, 2019

STREETS REQUIRING NEW CURB & GUTTER

<table>
<thead>
<tr>
<th>STREET</th>
<th>EXTENT</th>
<th>FROM</th>
<th>TO</th>
<th>A ** MIN. R.O.W.</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
</tr>
</thead>
<tbody>
<tr>
<td>100 NORTH</td>
<td>200 W.</td>
<td>100 E.</td>
<td>86'</td>
<td>35'</td>
<td>2.5'</td>
<td>VARIES</td>
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<tr>
<td>200 WEST</td>
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** THESE R.O.W. WIDTHS INDICATE NO INTENT TO VACATE ANY EXISTING R.O.W.

STREETS REQUIRING NO NEW CURB & GUTTER

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<thead>
<tr>
<th>STREET</th>
<th>EXTENT</th>
<th>FROM</th>
<th>TO</th>
<th>A ** MIN. R.O.W.</th>
<th>B</th>
<th>C</th>
<th>D</th>
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<td>35'</td>
<td>NONE</td>
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** THESE R.O.W. WIDTHS INDICATE NO INTENT TO VACATE ANY EXISTING R.O.W.

Providence City Public Works Department

Downtown Street Cross-Sections

DRAWING NO. C-1A

REVISED 04-26-19
### General Fund Summary

<table>
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<tr>
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<th>Actual 2019 YTD Thru March</th>
<th>Budget @75% of Full Year</th>
<th>Variance from YTD Budget</th>
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<tbody>
<tr>
<td></td>
<td>Prior Year</td>
<td>Current Year</td>
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<td>Taxes</td>
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### Justice Court

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<thead>
<tr>
<th></th>
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<th>Budget @75% of Full Year</th>
<th>Variance from YTD Budget</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Prior Year</td>
<td>Current Year</td>
<td></td>
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<tr>
<td>Fines and forfeitures</td>
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<td>Net</td>
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### Pass-through utility billed vs. paid to Logan City

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<th></th>
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<th>Budget @75% of Full Year</th>
<th>Variance from YTD Budget</th>
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</thead>
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<tr>
<td></td>
<td>Prior Year</td>
<td>Current Year</td>
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<td>Emergency 911</td>
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<td></td>
<td>(8,954)</td>
<td>(1,031)</td>
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<tr>
<td></td>
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<td>314,570</td>
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<tr>
<td></td>
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<tr>
<td>Benefits</td>
<td>Actual 2019 YTD Thru March</td>
<td>Budget @75% of Full Year</td>
<td>Variance from YTD Budget</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>----------------------------</td>
<td>--------------------------</td>
<td>--------------------------</td>
</tr>
<tr>
<td></td>
<td>Prior Year</td>
<td>Current Year</td>
<td></td>
</tr>
<tr>
<td>Public Health and Safety</td>
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<td>Admin - Pool</td>
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<tr>
<td>Benefits</td>
<td>2,918</td>
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<tr>
<td>Prop Maint Parks</td>
<td>52,416</td>
<td>54,470</td>
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<td>16,560</td>
<td>17,330</td>
<td>20,737</td>
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<td>Prop Maint Cemetery</td>
<td>19,359</td>
<td>20,569</td>
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<td>Benefits</td>
<td>7,947</td>
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<td>7,940</td>
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<tr>
<td>F&amp;R Dept - Administration</td>
<td>47,709</td>
<td>65,997</td>
<td>61,736</td>
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<tr>
<td>Benefits</td>
<td>14,223</td>
<td>38,424</td>
<td>23,183</td>
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<td>F&amp;R Dept - Justice Court Division</td>
<td>24,983</td>
<td>26,324</td>
<td>26,687</td>
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<tr>
<td>Benefits</td>
<td>11,313</td>
<td>13,375</td>
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<td>F&amp;R Dept - Recreation Division</td>
<td>38,905</td>
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<td>35,841</td>
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<td>Benefits</td>
<td>14,132</td>
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<td>Water Fund</td>
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<td>28,519</td>
<td>30,629</td>
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<td>Sewer Fund</td>
<td>38,128</td>
<td>39,232</td>
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<td>20,286</td>
<td>21,872</td>
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<td>Stormwater Fund</td>
<td>30,239</td>
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<td>Benefits</td>
<td>15,536</td>
<td>19,130</td>
<td>16,840</td>
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Salaries and Wages

<table>
<thead>
<tr>
<th>Benefits</th>
<th>Actual 2019 YTD Thru March</th>
<th>Budget @75% of Full Year</th>
<th>Variance from YTD Budget</th>
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<tbody>
<tr>
<td></td>
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<td>528,389</td>
<td>573,849</td>
<td>645,806</td>
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<td></td>
<td>236,850 44.6%</td>
<td>297,459 51.8%</td>
<td>257,975 39.9%</td>
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