

PROVIDENCE CITY COUNCIL MEETING AGENDA
August 27, 2019 6:00 PM
Providence City Office Building, 164 North Gateway Drive, Providence UT

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:

Staff Reports: Items presented by Providence City Staff (including but not limited to: City Engineer, City Attorney, Public Works Director, and Administrative Services Director) will be presented as information only.

Approval of the minutes

Item No. 1. The Providence City Council will consider approval of the minutes of August 13, 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. Primary Election Canvass: The Providence City Council, acting as the Board of Municipal Canvassers, will canvass the returns of the 2019 Primary Election.

Item No. 2. Resolution 029-2019 Planning Commission Alternate: The Providence City Council will consider for adoption a resolution appointing Kathleen Alder as an alternate member to the Providence Planning Commission.

Item No. 3. Ordinance No. 2019-015 City Code Amendment: The Providence City Council will consider for adoption an ordinance amending Providence City Code Title 1 Chapter 7 Officers and Employees to reflect changes in Utah State Code.

Item No. 4. Resolution 030-2019: The Providence City Council will consider for adoption a resolution approving an agreement with Spring Creek Water Company to use shares owned by Providence City that have been designated for municipal use in the City's culinary water system.

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).



Skarlet Bankhead
City Recorder

If you are disabled and/or need assistance to attend council meeting, please call 752-9441 before 5:00 p.m. on the day of the meeting.

Pursuant to Utah Code 52-4-207 Electronic Meetings – Authorization – Requirements the following notice is hereby given:

- Providence City Ordinance Modification 015-2006, adopted 11/14/2006, allows City Council member(s) to attend by teleconference.
- The anchor location for this meeting is: Providence City Office Building, 164 North Gateway Drive, Providence, UT.
- Member(s) will be connected to the electronic meeting by teleconference.

1 **PROVIDENCE CITY COUNCIL**
2 **MEETING MINUTES**
3 **August 13, 2019 6:00 PM**
4 **Providence City Office Building**
5 **164 North Gateway Drive, Providence UT**
6

7 **Opening Ceremony:**

8 Call to Order: Mayor Drew
9 Roll Call of City Council Members: Mayor Drew
10 Pledge of Allegiance: Mayor Drew
11 Opening Remarks – Prayer: Keith Thompson
12 Attendance: John Drew, Kirk Allen, Kristina Eck, Brent Fresz (by phone, left at 7:25PM), Dennis Giles, Roy
13 Sneddon
14

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

- 19 • Keith Thompson of Providence spoke about the difference between a city administrator and a city
20 manager. According to the internet, a city administrator oversees the operation of a municipality and
21 carries out the decisions of the city council and the mayor. They are similar to a chief executive.
- 22 • K Thompson said that the city manager is not elected but is appointed to carry out the administrative
23 actions of the council. He said that the city manager makes the mayor almost obsolete.
- 24 • K Thompson said that under a city administrator, the mayor usually retains the duties of CEO for the city.
25 The mayor oversees the work of the city administrator. On the other hand, a city manager is usually hired
26 directly by the city council and can be terminated by the majority vote of the council.
- 27 • K Thompson felt that the city manager is a more communistic form of city government because he/she
28 overrides the mayor, who is selected by the people. It eliminates one of the ways the people have of
29 getting rid of a city manager that they don't like.
- 30 • K Thompson suggested that the city hire a person as a city administrator, not as a city manager.
31

32 **Motion to open the public hearing: — K Allen, second — R Sneddon**

33 **Public Hearing(s):**

34 **Item No. 1. Budget Approval.** Prior to approving adjustments to the tentative budgets for Fiscal Year 2020 for all
35 Funds (General, Capital Project, Water, Sewer, Storm Water, and Secondary Water), the City Council is holding a
36 public hearing. The purpose of the public hearing is to provide an opportunity for anyone interested to comment
37 on the proposed budgets before the City Council takes action. The City Council invites you to attend the hearing in
38 order to offer your comments.

- 39 • Gary Sonntag of Providence asked if the city council has considered owning its own electric power system
40 and buying power wholesale from Rocky Mountain Power. The city would then sell it at the retail rate and
41 receive the excess revenue. The city could own the infrastructure and have a maintenance contract with
42 Rocky Mountain Power.
- 43 • G Sonntag also asked if the council has considered hydropower from Blacksmith Fork River and Spring
44 Creek.
- 45 • G Sonntag spoke about class C road funds. He suggested that the city alternate years, sometimes using
46 the funds to purchase equipment, and sometimes to maintain roads.
- 47 • G Sonntag said that Price Utah had an electric power system like he described. He was the public works
48 director at Price City.
- 49 • Mayor Drew said that Hyrum does a small amount of hydroelectric power. It would be an interesting
50 discussion to have.
- 51 • Ralph Daniels of Providence thanked the mayor for his comments about his email. He asked if the council
52 had any comments on the email.
- 53 • K Allen felt that the mayor had done an excellent job responding to R Daniels' questions.

- R Daniels asked about the other items that were not responded to. Mayor Drew said that he commented on the items that were of significant dollar amounts.
- Craig Frank of Providence spoke about the roads. He read from the TAMS report (Transportation Asset Management System). It said that additional funds required for capital improvements and capacity improvements should come from other funding sources such as impact fees and mill levies. There have been discussions about raising impact fees [to improve roads] before, but the city has said that they cannot do that. This report says that we can do that. We should pay attention to all the suggestions in the report so that we can get the funding and reduce taxes.
- Mayor Drew said that impact fees must follow state code. We can only use them for increasing capacity that is made necessary by new development. For example, we can use them to build a road to a new development or to widen an existing road. We cannot use them for fixing existing roads.
- C Frank asked if the increased traffic flow on those roads due to development could justify using impact fee money.
- S Bankhead said that we had an impact fee analysis done for streets in December. First we had an engineering study that considered the roads that we wanted to use [impact fees on for a capacity increase]. The analysis actually recommended decreasing our impact fee [on single family residences] rather than increasing it.
- K Eck asked why we couldn't have used impact fees to improve 100 East due to the Brookside development.
- S Bankhead said that the study takes the existing traffic on a road and adds the new amount of traffic that is expected due to a new development. Then they decide the percentage over the life of that road that the new development will have on it. We can only use the impact fees for the percent of the capacity increase that qualifies. We did use a substantial amount of impact fees within Brookside, but we weren't able to go very far out of the perimeter of that development.
- C Frank asked about whether there will be a tax increase for secondary water. S Bankhead said that secondary water was only in the budget in case we wanted to make adjustments to it.
- C Frank asked if the council has read all the changes that are proposed for the city manager, including all the authority delegated to him/her. Mayor Drew said that the council has had two workshops on the issue, and has been talking about it since last year.

Business Items(s):

Item No. 1. Resolution 026-2019 – Certified Tax Rate: The Providence City Council will consider for adoption Resolution 026-2019; a resolution establishing the certified tax rate for 2019.

Motion to approve resolution 026-2019 establishing the certified tax rate for Providence City: — K Allen, second — K Eck

Vote:

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

Nay:

Abstained:

Excused:

Discussion:

- S Bankhead said that we reduced the proposed revenue by \$100,000 from what we were originally planning. The new rate will be .001867.
- K Allen said that he appreciates all the work that has gone into researching this tax rate. He is also on a fixed income and it affects him, too. He said that this decision was taken carefully, and he hopes that people will recognize that.
- B Fresz said that he is comfortable with the budget.
- K Eck said that she wishes that previous councils would have done small incremental tax increases over the last ten years, but they didn't. She said that she is not willing to use our reserves [to soften the blow of the tax increase]. Reserves are there for a reason.
- Mayor Drew said that over a seven year period, previous councils decreased the tax rate to keep the revenue the same even as property values rose. Meanwhile, the cost of operating a city government rose incrementally. Sticking to a tax rate is probably a wise thing to do.

Item No. 2. Resolution 027-2019 – 2020 Budget (Tentative): The Providence City Council will consider for adoption Resolution 027-2019; a resolution approving adjustments to the 2020 Tentative Budget for all Funds.

Motion to approve resolution 027-2019 on the tentative budget for 2020: — K Eck, second — D Giles

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

Nay:

Abstained:

Excused:

Discussion:

- S Bankhead said that in the capital project fund budget, there was \$200,000 that was in that budget that was in capital purchases under streets, but it was supposed to be in the cemetery. It is for the cemetery expansion project. The overall totals were correct, but it was on the wrong line item. This will still leave \$700,000 for street improvements. It is also in the wrong column. It should be in the 2020 budget column.
- K Eck responded to R Daniels' comments from the public hearing. She said that she reads every email that comes. She didn't reply to R Daniels' email because she wanted to gather some information first. However, we have had eight meetings about the budget since February. We had a public hearing in regards to this budget on June 11. Most of the audience left when the public hearing on the budget started. When we get emails asking us to dig in and redo our budget a day before a council meeting, we don't have time to start over on the budget. We have been digging into the details [for months]. Unfortunately, many citizens only pay attention at the last minute.
- Mayor Drew said that city staff is working on a narrative budget. We can have a town hall meeting about the budget on September 14 if there is enough interest. In the last meeting he incorrectly said September 10th.

Item No. 4. Ordinance 2019-013 – Providence City Code Title 1 Chapters 6, 7, and 12: The Providence City Council will consider and may take action on Ordinance 2019-013, an ordinance amending Providence City Code Title 1 Administration Chapters 6, 7, and 12, Mayor and City Council, Officers and Employees, and City Manager respectively.

Motion to approve ordinance 2019-013: — R Sneddon, second — K Eck

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

Nay:

Abstained

Excused:

Discussion:

- Mayor Drew said that in many cities, the term "city administrator" and "city manager" have the same meaning. Mayor Drew explained that the only thing [about city government] that is changing with this city manager ordinance is that the council will get to decide the appointment of the person who will do the job that Skarlet Bankhead does. Currently, as mayor, he can hire someone to fill S Bankhead's position without consulting the council. Mayor Drew said that it is wise to share that decision making process with the city council for such a critical position.
- K Allen said that the mayor and S Bankhead gave the council a binder of information about the city manager position. There is information from other cities and from national organizations. We looked at it diligently. We have to look forward to the future. We can no longer do things casually when it comes to running the city. A city manager will be a great asset.
- R Sneddon said that he has been perplexed about how to talk to his neighbors about this issue. His neighbors remind him of the referendum vote that was against having a city manager. R Sneddon said that the council needs to remember that they are elected, and the city manager is not elected. If citizens felt that there needed to be a change, all that would need to happen would be a vote of four out of six of the city council. We can actually get rid of the city manager quicker than a bad city council or a bad mayor. Citizens should be comfortable that there is a quicker review process. That is a good thing.
- R Sneddon said that the type of city manager we want has broad training. We have to pay for what we get. It will cost us around \$130,000 including benefits to get the type of person we want.
- B Fresz said that if we find good, well-trained people and provide an atmosphere where they can thrive,

and we pay them enough so that they don't look at other employment opportunities, we get a stable work force that lasts the test of time. We haven't had that for the last few years. He would like us to get a long-term, stable, licensed professional. Then we need to give them the proper atmosphere, the space, and the tools to do their job. He feels that the ordinance accomplishes this. He also likes that we are budgeting for HR services.

- D Giles said that he has a son who is a city manager for Smithfield City. He went through the binder item by item with his son. His son liked many of the ideas in it. D Giles is in favor of a city manager.
- Mayor Drew said that Greg Cox, the HR director of Logan city, has offered his assistance in the interview process free of charge.
- Mayor Drew said that he doesn't care whether we call the person we hire an administrator or a manager. The cost to get someone with the experience we are looking for is the same.
- Mayor Drew said that we can define the mayor and the administrator's duties by resolution of the city council. That way, no one can take away the duties of the mayor, and everyone is on the same page.
- Sharell Eames of Providence said that we hear often how much work has gone into various resolutions and projects. She asked if the council listens at public hearings. There was only one person in favor of a city manager [at the public hearing that was about this topic.]
- K Allen said that he does listen, including to the people in his neighborhood. When he has a chance to explain the issue to them, they tend to agree with him. There are more opinions out there than the ones we hear at these meetings.
- S Eames said that if people have a desire to influence the council, they should come to public hearings. She doesn't trust the second-hand report of what neighbors told the council members.
- Vickie Holmgren of Providence said that she has been talking to her neighbors and friends about everything that has been going on. She has not heard one person who hasn't lost all their trust and respect for this council. It is a sad thing that has gone on. Public opinion has not been put first one time in the last three years, except for on the Highlands issue. V Holmgren said that she can see what the council is saying about a city manager, but it should be presented to the city so that they can vote on it. V Holmgren said that she has heard many people who would like to impeach this [mayor and council], or vote for whoever is the exact opposite. They don't want to be like Logan, they don't want to hear what Smithfield is doing, etc. They want their own city.
- Scott Campbell of Providence said that he doesn't come to these meetings, but he wishes that he had been coming. He has lived here since 1995. Ever since he has lived here, he has heard complaints about the city council, such as that they do not listen, etc. He doesn't think that this has been true. He has known many people who have been on the council over the years. He thinks that they do listen, and then they have to make the best decision that they can. There is a vocal minority who come to the meetings to complain. It is the same in other cities. He votes for people so that they can represent him in gathering the information and making the best decision that they can.
- S Campbell said that as far as the city manager, he feels that S Bankhead currently works two jobs. There needs to be some way to fix that. If hiring a city manager is the right way to fix it, then he is for it.
- B Fresz said that 40 or 50 people who show up to a council meeting does not represent all of the public opinion of Providence City. He does talk to people around town, and does a lot of research and spends a lot of time. He hopes that all of the soon-to-be councilmen realize what they are getting themselves into.

Item No. 3. Resolution 028-2019 – Planning Commission Bylaws (Revised): The Providence City Council will consider for adoption Resolution 028-2019; a resolution approving the Planning Commission Bylaws (Revised).

Motion to adopt resolution 028-2019: — R Sneddon, second — D Giles

Vote:

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

Nay:

Abstained:

Excused:

- Mayor Drew said that he feels that the rules are well thought-out. He liked the rule that those members of the public who wish to speak would sign in on a list, and then they would be called up individually to speak.

- Gary Sonntag, Planning Commission Chair, said that the adjustments to the bylaws are a polishing of the previous bylaws. These bylaws are partly a product of G Sonntag's past experience participating in many council meetings and public hearings. He feels that the new rules about comments should allow the Planning Commission to receive information in an orderly way, without being subjected to individuals who want to beat them into submission. He felt that the time limits proposed will help people focus their comments. There is often a lot of emotion, but we need to react to the facts.
- K Allen said that the last time he attended the Planning Commission, he thought it was conducted very well. The decorum about addressing the chair and the respect the chair gave the members was great. He also liked the idea of signing in for commenting. He felt that the decorum is increasingly necessary in the meetings of our city.

Item No. 5. Ordinance 2019-014 – Providence City Code Title 7 Chapters 2 and 5: The Providence City Council will consider and may take action on Ordinance 2019-014; an ordinance amending Providence City Code Title 7 Public Ways and Property, Chapters 2 Streets, Sidewalk, Curb and Gutter Construction and Repair, and Chapter 5 Municipal Property Control and Use.

Motion to approve ordinance 2019-014 about City Code Title 7 Chapters 2 and 5: — K Allen, second — R

Sneddon

Vote:

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

Nay:

Abstained:

Excused:

Discussion:

- S Bankhead said that that we ran across a problem in one of our ordinances. We had some construction work going on and had just put surface treatment on our streets. The construction employees were not as careful as we would have liked them to be with the brand new asphalt. We couldn't find anything in the ordinance that was as strong as we would have liked [to be able to hold them accountable for the damage]. This proposed change involves three words. We are adding the word "street" to the paragraph about damage in 7-2-1A, because it wasn't specifically mentioned previously.
- S Bankhead said that we are also adding the words "or recklessly" to 7-5-2C, which specifies that certain actions against city property qualify as a class B misdemeanor.
- S Bankhead said that these changes seem minor, but they will help the city to enforce ordinances and protect our infrastructure.
- Chase Andrizzi, acting city attorney, explained that there are different classes of liability: Knowingly, recklessly, negligently, and intentionally. Recklessly falls somewhere between negligently and knowingly. It is when you know the risks of certain actions, but you do not act in the manner that you should. Recklessness requires some knowledge about what you are doing.
- K Allen said that he was in West Bountiful today. There were signs posted that said that there were fines for bringing in mud, dirt, etc onto public streets. K Allen asked if we have an ordinance that prevents that.
- S Bankhead said that we do have such an ordinance. If they do not follow it, it can be a class B misdemeanor. April Frederickson, office staff, works to enforce it.
- Ralph Daniels of Providence asked about the word "recklessly." Could we use the word "unintentionally" instead?
- C Andrizzi said that it is a policy decision about how much we want to hold an individual liable. The lowest level is usually "negligently." "Reckless" is also the default term in state code in terms of tort law. If it is not defined in the law, it is assumed to be reckless. He feels that putting it in the city code effectively guards the city's interests. If a violation were filed against someone, they may try to argue that they weren't acting recklessly.

Staff Reports: Items presented by Providence City Staff (including but not limited to: City Engineer, City Attorney, Public Works Director, and Administrative Services Director) will be presented as information only.

R Stapley, Public Works Director:

- R Stapley thanked the council for passing the ordinance about the streets. It is good for us to have that in case we need it, even though we usually try to resolve it without [going the legal route].
- Brent Fresz left the meeting.
- We are done with chip and seal. We are about to start painting and sweeping. We are behind on that, and probably won't get all the crosswalks done before school starts. We are waiting on thermal tape that is on its way. We will be doing it on the freshly chip and sealed roads, because we can't put it on top of paint.
- K Allen asked about the other repair jobs that we need to do. R Stapley said that we have had to take off three or four roads from our chip and seal list because we didn't do the repairs that we needed to do before the chip and seal. We have been overworked and under manned. Our goal is to get some of the work done that we missed this spring so we can have them ready to be chip and sealed next year.
- K Allen asked if we can get asphalt now. R Stapley said that we can. We can lay down asphalt until around Thanksgiving.
- Jacob George is a new employee with the streets department.
- R Stapley said that the developer of the Hillsborough subdivision has agreed to do some improvements that were not done in the 1980s, such as looping the water line and asphaltting some areas. This should fix some of the water quality and flow rate problems that we have had up there.
- Ormond Construction is the subcontractor that Staker Parsons will be using on the 500 South water line project. R Stapley called Staker Parson's to try to make sure that the work will start soon.
- Twin D did cleaning and visual imaging for our sewer system. They did about 1/3 of the city this year. We received an extensive report. We will go through it and then hire contractors to fix some areas.
- Mayor Drew asked what area of the city Twin D imaged. R Stapley said that they did high ground water areas last year and this year: Brookside, Bluff Street, 3rd West, the commercial area, the area near Cobblestone, etc. R Stapley said that he is feeling comfortable about the integrity of our sewer system.
- Mayor Drew spoke about the sewer flow from Providence City. We have a higher flow than other surrounding cities. The question is whether we produce more water than other cities. Mayor Drew said that he found a state website that shows the water production rates for every city. However, it is difficult to compare cities because we don't know how much is getting used outdoors, if the city has a secondary water source, etc.
- R Stapley said that Mayor Drew, Max Pierce and himself should meet and compare notes about water production. It is a worthwhile thing to look into.
- Mayor Drew said that we could compare times of year when there is no outdoor use.
- R Stapley said that Hillcrest Park can start getting underway soon. The irrigation plan is ready.
- R Stapley said that the cemetery expansion project is going very quickly. Staker Parson's has done very well, and so has their subcontractor. However, there may be a slight delay with the sod because we are waiting for Rocky Mountain Power to get electricity to the lines that power the sprinkler timer.
- K Allen asked about the softball field lighting, and whether it will be done before school starts so that the children can use that area. R Stapley said that the part that is involving the caution tape and the barricades should be done by then.
- S Bankhead said that they are planning on finishing by August 21st. Sheyler Gunnell, recreation director, is keeping in contact with them to make sure they stay on schedule.

Max Pierce, City Engineer:

- M Pierce said that the council has in their packet a list of projects that his firm is working on.
- M Pierce said that the fire hydrant and sewer maps are waiting on some comments and red lines from some of R Stapley's staff.
- The Class C Road Map is complete and is nearly ready to be signed by the mayor and sent to UDOT.
- The zoning map is complete.
- The standard drawings are ongoing. M Pierce needs to meet with R Stapley about some products from vendors that we may want to incorporate into them.
- The 40 Year water plan has been approved by the council. A member of the Blacksmith Fork Irrigation Board said that we got some numbers wrong. However, we got those numbers from the state Division of Water Rights. According to the board member, the numbers from the state website are incorrect. We should wait until we can get the numbers from the president of the company.
- The transportation master plan is coming along. We entered data that R Stapley gave us into the

transportation model. We will be finding intersections where we still need to get some data. We also met with Jeff Gilbert to get an idea of the CMPO's long range plan so that we can incorporate it into our plan.

- M Pierce asked S Bankhead about the Spring Creek west crossing.
- S Bankhead said that we got the appraisals. Our lawyer's office is creating the purchase agreement. They should have it to us by Thursday.
- Mayor Drew asked if we could complete the crossing project this year. M Pierce said that it depends on the acquisition of the right of way. We might as well start as soon as we can.
- Mayor Drew asked about the East crossing. M Pierce said that the application has been turned into FEMA. We are waiting to hear from them. However, the stream alteration permit is not in place yet. Both the FEMA approval and the stream alteration permit will need to be in place.
- Zone 2 tank: M Pierce needs to follow up with the owners. C Wooley wrote a restoration agreement about how we would restore the landscaping after we go through it.
- Zone 1 tank: we went back and forth a bit with the Liechtys. They moved the stakes to where they wanted them. They want the property to be a bit smaller than we want it to be. M Pierce said that he is nervous about it. Until we get down into the soil, it's hard to know how much land we need to build a tank. The excavation walls need to be stable, and some soil stands up straighter than other soil. We may need to meet with the Liechtys again and explain some of our concerns.
- Spring Creek Parkway storm drain: R Stapley spoke with the land owner. There is no agreement yet, but it is looking good.
- The cemetery project is on schedule.
- Southwest sewer: We are waiting for decisions on the CRA.
- S Bankhead said that we have the paperwork from Smith Hartvigsen for the RDA [CRA]. We will send it to the lieutenant governor tomorrow. We need to start putting together some bylaws for the RDA to operate under.
- Mayor Drew said that we have a developer interested in land on the west side of Highway 165. It is at about 1925 south. It is more than 14 acres. The developer would like to do retail along the highway, incorporate a park, build single family active adult housing behind the retail, and build an assisted living facility.
- M Pierce said that the highway access in that area is a bit of an issue.
- Storm water rate study: the written scope is not yet complete.
- 100 South: the application has been turned in to COG. Mayor Drew and M Pierce will be presenting to the COG board.
- Secondary water feasibility study: We need to meet with the land owners.
- S Bankhead said that we need to hold a closed session so that we can talk about what property the council may be interested in. This needs to be a closed hearing so that the council can mention names without getting people's hopes up, etc. The council decided to discuss this on August 27th.
- Water rates and sewer rates study: we haven't done anything with them yet. M Pierce asked if we want to do them concurrently. Mayor Drew said that we should do whatever costs less. M Pierce recommends that we do them one at a time.
- Water capital facilities plan: we have a list of projects, and we need to prioritize them. M Pierce needs to meet with R Stapley to start prioritizing and putting costs to things.

S Bankhead, Administrative Services Director:

- The polls are closed, and we will finish our counting tonight. It will probably be 10 PM before we can put preliminary numbers out. We will do the official canvass at the August 27th meeting.
- S Bankhead spoke about the invoices for the month of July. There is a check for \$75,000 that is money that we received from UDOT. We put it in a payable account to show that it was a contractor retainer. It was to reimburse Amsource when they fulfilled all of their obligations to move their access to the south.
- In July, we pay our annual premium for our liability insurance. We have kept our rate down because we have done well on our safety record, etc.
- We cut some checks for park improvements, such as the lights in the softball field and for Hillcrest Park. The \$98,000 for the light structures will be reimbursed by RAPZ.
- Land use authority has been very busy. We have sensitive areas throughout Providence, including wildfire, steep slopes, natural streams, floodplain, etc. We allow people to develop there, but they have to come

see us for a conditional use permit. This ensures that the homeowners build their home in compliance with mitigation strategies that the developer has already put in place.

- We are working with Angie Housley on a conditional use permit for a drive up drink/cookie shop along Highway 165. They need to talk to the building department about their structure.
- Historic Preservation Commission met with Rebecca Anderson of Utah State University about putting together a history of the commuter railroad that used to be in Providence.
- The planning commission has two public hearings on the draft of the General Plan scheduled for August. We had hoped to have it at a larger venue, but the middle school's available dates didn't work with the Planning Commission members' schedule, and we couldn't get ahold of the elementary school.
- S Bankhead said that staff will also be presenting some proposed ordinance changes to the planning commission. One item is regarding setbacks, another is regarding the use chart. We will also talk to them about accessory apartments. We will also be suggesting some procedural requirements in the annexation application and the rezone application.
- K Eck asked where we can find the proposed general plan. S Bankhead said that it is in the planning commission agenda packet on the website.
- K Allen asked if we are planning a "meet the candidates" night. Mayor Drew said that we will talk with the candidates that remain after the primary and find out their preference.
- S Bankhead said that the optimal time would be the second week of October. Ballots will go out on October 15, so we would want to do it before that time.
- K Eck asked about hotel rooms at the Sheridan for the Utah League of Cities and Towns conference. S Bankhead said that T Bankhead tried to book them, but the hotel was full.
- S Bankhead spoke about the city manager that may someday replace her position. She said that whoever replaces her, they will not be able to go on a rampage. That person has to live under the ordinances set by the council. If the council directs them to do something, such as by resolution, etc, they must do it.
- S Bankhead said that the mayor will retain the statutory duty to chair the council, to vote when there is a tie, and to vote if something reduces or increases the duties of the mayor.
- K Allen felt that the ordinance that we passed clearly delineates the roles and responsibilities so that no one will be able to override the will of the council.
- Kickball is in season, and flag football registration closes this Friday. We will be marking the fields for soccer next week.
- It is almost time for crossing guards to start up again. We ask people to respect them.
- We hired Kris Hobbs who sits at the front desk part time. J Bardsley needed more time to do minutes for the large number of meetings that we have been having, and it is difficult for him to do them while manning the front desk.
- S Bankhead thanked the council for the budget that was approved. She said that we do not do salary/wage increases until the tax increase is approved. We will then do the increase retroactively.

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.

- Mayor Drew met with Millville mayor David Hair. Mayor Hair was frustrated because of the issues that they have with the sewer system that they need to build, and with the related water supply issues they have been having.
- Mayor Drew said that it will be about \$2,500 per household to connect to Logan's sewer system. Now Millville is considering building their own wastewater treatment plant.

Motion to enter executive session: — K Eck, second — R Sneddon

Vote:

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

Nay:

Abstained:

Excused: B Fresz

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 close the executive session: — K Allen, second — R Sneddon

Vote:

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

Nay:

Abstained:

Excused: B Fresz

Approval of the minutes:

Item No. 1. The Providence City Council will consider approval of the minutes of July 1

Item No. 1. The Providence City Council will consider approval of the minutes of July 9

Item No. 1. The Providence City Council will consider approval of the minutes of July 22

Corrections:

- Line 62: Transparent

Item No. 1. The Providence City Council will consider approval of the minutes of July 31

Item No. 1. The Providence City Council will consider approval of the minutes of Aug 5

Corrections:

Motion to approve the minutes of July 1, July 9, July 22, July 31, and August 5: — K Allen, second — K Eck

Vote:

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

Nay:

Abstained:

Excused: B Fresz

Motion to adjourn: — K Eck

Meeting adjourned at approximately 8:20 PM

Minutes prepared by Jesse Bardsley

John Drew, Mayor

Skarlet Bankhead, City Recorder

PROVIDENCE CITY COUNCIL MEETING
Agenda Information for August 27, 2019

Business Items(s):

Item No. 1. Primary Election Canvass: The Providence City Council, acting as the Board of Municipal Canvassers, will canvass the returns of the 2019 Primary Election.

✚ Information for this item will be available at the meeting.

Resolution 029-2019

A RESOLUTION APPOINTING KATHLEEN ALDER AS A PLANNING COMMISSION ALTERNATE.

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, on June 27, 2019, Mayor John Drew received a notice of resignation from Sharon Johnson, an alternate member of the Planning Commission, creating a vacancy on the Planning Commission.

WHEREAS the City Council desires to fill the existing vacancy:

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

THEREFORE be it resolved by the Providence City Council:

- Kathleen Alder is hereby appointed to serve as an alternate member on the Planning Commission with the term beginning August 29, 2019 and expiring August 31, 2022.
- This resolution shall become effective immediately upon passage.

Passed by vote of the Providence City Council this 27 day of August 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

Providence City

John Drew, Mayor

Attest:

Skarlet Bankhead, City Recorder

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- C. Reimbursement For Travel Expenses: In addition to all other compensation or salaries, any officer or employee of the City may receive, following the submission to the City Recorder of a claim, travel expenses and per diem established by the Utah State Department of Finance for expense actually incurred by the person for attending any meeting, conference, seminar or training session, provided attendance shall have been approved by the City Council. (1977 Code 3-554)

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

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

Elected officers: Utah Code does not require bonds for elected officers of a city of the third Class, except for the office of Treasurer as provided in Section E, below. Providence City is a city of the third class and does not require bonds for elected officers, except as required for the Treasurer.

- B. Premium Paid by City: The premium charged by a corporate surety for any bond **or theft or crime insurance** required by the City shall be paid by the City.

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

- D. Bond **or Theft or Crime Insurance** Amounts: Before taking the oath of office and entering on the duties of their respective office, **the following** City officials shall each give a bond with good and sufficient securities, payable to the City, conditioned for the faithful performance of the duties of their office and the payment of all monies received by such officers according to Utah Code Annotated section 51-7-15 and rule 4 of the State Money Management Council **or theft or crime insurance provided by public agency insurance mutual, or joint reserve fund meeting such requirements of the State Money Management Council.**

1. Treasurer
2. Recorder
3. City Manager

- E. Treasurer's Bond/**Theft or Crime Insurance:**

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

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

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

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

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

- B. Oath; Filing: The oath of office required under this section is administered by any judge, notary Ordinance No. 2019-015

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

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

1-7-5: **OFFICIAL NEGLECT AND MISCONDUCT:** In case any City officer shall at any time willfully omit to perform any duty, or willfully and corruptly be guilty of oppression, misconduct, misfeasance, or malfeasance in office, the person is guilty of a Class A Misdemeanor¹ shall be removed from office, and is not eligible for any City office thereafter. (1998 Code)

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

- A. Appointment: ~~On or before the first Monday in February following a City election, the Mayor, with the advice and consent of the City Council, shall appoint a qualified person to each of the offices of City Recorder and City Treasurer.~~ **The Mayor, with the advice and consent of the city council, shall appoint a qualified person to the office of city recorder and a qualified person to the office of city treasurer.**

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

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

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

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

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

- A. Documents to Successor: Deliver to their successor within one week after the change of office all records, documents and property which belong to the City.
- B. Deliver Funds: Deliver to the City Treasurer within one week after receipt of such funds, all funds of the City which the officer receives.
- C. Sign Required Records: Sign within a reasonable time all papers, documents and records received by him which require his signature.
- D. Perform All Duties: Perform all duties imposed on him by virtue of the office held.
- E. Give Receipts: Give receipts on forms provided by the City Recorder for all sums of money received, collected or paid them or their assistants. (1977 Code 3-361)

1 THEREFORE be it ordained by the Providence City Council

- 2 • Providence City Code Title 1 Chapter 7 shall be amended as shown above.
3 • This ordinance shall become effective immediately upon passage and posting or 30 days
4 after final passage, whichever is closer to the date of final passage.
5

6 Ordinance adopted by vote of the Providence City Council this 27 day of August 2019.
7

8 Council Vote:

9 Allen, Kirk	() Yes	() No	() Excused	() Abstained	() Absent
10 Eck, Kristina	() Yes	() No	() Excused	() Abstained	() Absent
11 Fresz, Brent	() Yes	() No	() Excused	() Abstained	() Absent
12 Giles, Dennis	() Yes	() No	() Excused	() Abstained	() Absent
13 Sneddon, Roy	() Yes	() No	() Excused	() Abstained	() Absent

14

15 Signed by Mayor John Drew this day of August 2019.
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17 Providence City
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20 _____
John Drew, Mayor
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22 Attest:
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Skarlet Bankhead, Recorder
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PROVIDENCE CITY COUNCIL MEETING
Agenda Information for August 27, 2019

Business Items(s):

Item No. 4. Resolution 030-2019: The Providence City Council will consider for adoption a resolution approving an agreement with Spring Creek Water Company to use shares owned by Providence City that have been designated for municipal use in the City's culinary water system.

- ✚ Information for this item will be distributed as soon as it is available.