

1 **PROVIDENCE CITY COUNCIL MEETING**
2 **February 13, 2018 6:00 PM**
3 **Providence City Office Building, 164 North Gateway Drive, Providence UT**
4

5 Opening Ceremony:

6 Call to Order: Mayor Drew

7 Roll Call of City Council Members: Mayor Drew

- 8 • Attendance: Jeff Baldwin, Kristina Eck, Dennis Giles, Roy Sneddon
- 9 • Kirk Allen arrived at 7:05 PM

10 Pledge of Allegiance: Mayor Drew

11 Opening Remarks – Prayer: No opening remarks – prayer given

12 **Approval of the minutes**

13 **Item No. 1.** The Providence City Council will consider approval of the minutes of January 23, 2018.

14 Motion to approve the minutes – J Baldwin, second – R Sneddon

15 Corrections:

- 16 • Page 1 line 13 ~~2017~~ 2018
- 17 • Page 1 line 33 ~~Carlie Galen~~ Sharlie Gallup
- 18 • Page 2 line 22 ~~report~~ LTAP report
- 19 • Page 2 line 24 ~~reports~~ report
- 20 • Page 4 line 14 housing option, etc. or
- 21 • Page 4 line 25 writing what we do not want, rather than making a large volume document
- 22 • Page 4 line 41 as he has ~~listed~~ listened
- 23 • Page 5 line 5 explained that from
- 24 • Page 6 line 1 with a request of the City to
- 25 • Page 6 line 6 favorable for the purchase to proceed. The City
- 26 • Page 6 line 6 installed
- 27 • Page 6 line 19 ~~talk~~ take
- 28 • Page 6 line 26 expected a formal
- 29 • Page 6 line 35 ~~feel~~ fee
- 30 • Page 8 line 10 but ~~did not receive many~~ only received one.

31 **Motion to accept minutes with the changes – K Eck, second – J Baldwin**

32 **Vote:**

33 **Yea: J Baldwin, K Eck, D Giles, R Sneddon**

34 **Nay: None**

35 **Excused: K Allen**

36 **Absent: None**

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

- 42 • No comments from the public

43 Mayor Drew explained the audio / video system. He reported the placement of the speakers provide
44 equal listening throughout the room.

45 **Item No.1. Report – Cache County Sheriff: Sheriff Chad Jensen will give the City Council the annual**
46 **Cache County Sheriff's Report.**

- 1 • Sheriff Chad Jensen explained the new contracts are coming out in the next month or so. The
2 cost per hour will stay the same. The hours can change if the Council desires.
- 3 • Sheriff Jensen reported Providence and the County overall are very consistent in volume. The
4 City currently has 1,498 contact hours, 2,227 county hours. Through January 2017, 2,392 hours
5 have been logged, estimated 4,200 hours by end of June.
- 6 • Calls for service are going up countywide. In 2015/2016 there were 1,350, 1,475 last year, and
7 this year an estimated 1,550.
- 8 • Traffic citations fluctuate. In 2015/2016 590 citations were issued, in 2016/2017 549, and this
9 year 520. The Sheriff views traffic as public safety issues, not the number of citations.
- 10 • Sheriff Jensen reported the problematic bill giving the defendant the option of community
11 service in lieu of fines was pulled from this legislative session. Mayor Drew explained the bill
12 would allow a defendant to choose community service rather than pay a fine. He explained with
13 the community service option, the City loses money. The City would also need to create a
14 system to monitor the community service hours. He reviewed the problems the Humane Society
15 has had with community service volunteers.
- 16 • Rick Black has returned as the City's STAR Deputy. Deputy Black is a motorcycle deputy during
17 good weather. This necessitates an office since he cannot do paperwork in a vehicle. The City
18 and the Sheriff's Office are working together to put a substation in the City Office building.
- 19 • J Baldwin asked if there was someone in the Sheriff's Office assigned to phone scams. Sheriff
20 Jensen explained phone scams are virtually impossible for the Sheriff's Office to work because
21 they often originate in a different country. He explained phone scams are a two-step process.
22 The FBI works the cases (they work high dollar value cases). A person can call the Sheriff's Office
23 and make a report, which will be forwarded to the FBI; or the victim can call the FBI directly.
- 24 • J Baldwin asked for more patrol on 300 East. Sheriff Jensen explained the patrol has just finished
25 working 300 East. Sheriff Jensen will have the deputies watch the area in the evening hours.
- 26 • Sheriff Jensen explained the data collection box. It straps to a pole and collects speed data and
27 number of cars. The data posts in real-time. The Sheriff's Office can give the City access to the
28 program, and then the City can log in to view real-time data.
- 29 • J Baldwin asked how a citizen witnessing a violation could have the violator cited. Sheriff Jensen
30 explained citizen generated citations. He explained if a citizen makes the complaint, the citizen
31 will have to sign the citation; and then the deputy will deliver it.
- 32 • K Eck asked if a security camera records a violation, how does the City cite and prosecute. Sheriff
33 Jensen felt this would be a City ordinance problem. The deputies could run the license plate, and
34 then the City could follow up with the City Attorney for follow-up.
- 35 • Mayor Drew explained the City does not make money on citations. In addition to
36 fines/forfeitures, other general fund revenue subsidizes the Justice Court. He explained 72% of
37 the citation fine goes to the State. He reviewed the fixed (wages/salaries, benefits, etc.) and
38 variable (such as indigent attorney fees) costs. The Providence Justice Court also serves Millville
39 and River Heights. Installing cameras in the Council/Justice Court room will help with security,
40 and the City is considering an on-site bailiff.
- 41 • Mayor Drew reported Nibley City is considering closing their justice court. Sheriff Jensen
42 reported Lewiston, Amalga, and Newton have petitioned to close their justice courts.
- 43 • Sheriff Jensen explained the bill would have negatively affected the Sheriff's Office because they
44 do not have the work force to monitor more work diversion. He reviewed the positives of the
45 Justice Court system. No one is getting rich off justice courts. The part he would hate to see go is
46 the hometown convenience of the justice court. He felt they offered much to the community.

1 **Item No. 2. Resolution – Blacksmith Fork Irrigation Company Memorandum of Understanding (MOU)**
2 **and Piping Expense Allocation:** The Providence City Council will consider a proposal from Board
3 Members from the Blacksmith Fork Irrigation Company to enter into a MOU and repair a portion of the
4 canal liner.

- 5 • Mayor Drew reported he put together the MOU after talking with members of the Blacksmith
6 Fork Irrigation Company Board. He explained that about 18 months ago, John Hubbard
7 passionately asked the City Council to take a leadership role in the Irrigation Company. In
8 preparation for the meeting with the Board, Mayor Drew and S Bankhead spoke with City
9 Attorney, Craig Smith. C Smith felt the objectives in the MOU were sound.
- 10 • Mayor Drew explained the points of the MOU: joint maintenance agreement, equitable share
11 fees, long term financial and capital improvement plan, feasibility study for secondary water
12 system, and city representation on the Board.
- 13 • Mayor Drew reported he toured the system with Jason Fuhriman, President of Providence
14 Blacksmith Fork Irrigation Company. During the tour, he met Kim Ropelato, President of the
15 Millville Blacksmith Fork Irrigation Company. Mayor Drew reported K Ropelato is interested in
16 the idea of a secondary system.
- 17 • Mayor Drew introduced Providence Blacksmith Fork Irrigation Company Board Members: Jason
18 Fuhriman - President, John Hubbard, Clay Welker, and Brian Olsen.
- 19 • J Fuhriman spoke on behalf of the shareholders. In the fall of 2016 there was a major failure of
20 the liner. They have no interest in having a complete failure. The Board is requesting \$10,000
21 from the City for repairs. The Board received the draft MOU on February 9. They are in the
22 process of reviewing it and will have a response soon. The Board is very interested in coming to
23 an agreement and having a good, long-term relationship with the City. He felt both the City and
24 the Board would agree it is beneficial to keep the irrigation company viable, and feel this is a
25 first step.

26 **Motion to discuss Resolution 007-2018 – J Baldwin, second – D Giles**

- 27 • J Baldwin asked if there was an estimated cost for the repairs. J Fuhriman stated they do not
28 have an estimate for the repairs; however, the estimated cost for total replacement is over
29 \$1,000,000 (piping the concrete liner).
- 30 • D Giles asked how many and where the critical replacement areas were. J Fuhriman explained
31 he did not know how many areas; they are scattered along the liner. The ground penetrating
32 radar detected the voids, but not the size. The Company is in the process of determining that
33 now.
- 34 • D Giles asked about the homes in the area. J Fuhriman explained they have repaired the high
35 impact area [near the homes].
- 36 • J Baldwin asked if the Company was following an engineer's instructions to make the repairs. J
37 Fuhriman reported they did not use an engineer. The engineering for the concrete liner
38 occurred at original installation. The repairs are putting pipe in the existing concrete liner.
- 39 • J Baldwin asked for total shareholders and fees. The fees are as follows: \$50 shareholder fee,
40 \$35/regular share fee, and \$70/municipal share fee. The Company has 298 shareholders and
41 1,406 shares. All fees increased in 2017.
- 42 • D Giles asked for the timeframe to repair a breach. J Fuhriman explained it would depend on the
43 size and location of the breach. But felt they could repair a breach in a day.
- 44 • Mayor Drew explained the exchange agreement with Blacksmith Fork Irrigation water and
45 Spring Creek Water Company water. The first agreement was in 1939 [exchanging 1.0 cubic feet
46 per second (cfs)], in 1974 the agreement was amended to 1.5 cfs. If the City does not have the

- 1 ability to participate in the exchange agreement, the City would need to conserve water usage,
2 perhaps restricting usage.
- 3 • R Sneddon would like to see the repairs consistent with the idea that 25 years from now people
4 would look at the water as secondary water, not for agricultural purposes. He suggested the
5 piping installed now would lead to the purpose.
 - 6 • J Fuhriman felt the agriculture use would continue. He owns 40 shares.
 - 7 • The \$10,000 will go toward pipe costs. Millville has paid their portion of the liner repairs.
 - 8 • K Allen arrived at 7:05 p.m.
 - 9 • J Fuhriman explained a special shareholder meeting is required to adopt the MOU. The long-
10 term goal would be piping the entire liner. The short-term goal is repairing critical areas.
 - 11 • J Baldwin asked if the seat on the Company's Board was a voting member. Mayor Drew
12 explained the City would have the same voting rights of any share holder. Having someone on
13 the Board will give the City the opportunity to participate in planning for maintenance and
14 capital improvements.
 - 15 • Mayor Drew explained a stormwater agreement will need to be developed. He explained other
16 canal companies and cities have come to agreements. J Baldwin asked about flushing the wells.
17 In the canal. R Stapley reported the City does run the water into the canals when they flush the
18 wells. J Baldwin felt the maintenance agreement seemed like a shift in attitude toward
19 stormwater on the Company's part. R Stapley explained options for stormwater other than the
20 canals. He explained historically the canals have carried the stormwater; the volume release
21 needs to be controlled.
 - 22 • J Baldwin felt it looked like a very long-term deficit. He asked about the financial plan. J
23 Fuhriman stated the Board discusses finances regularly. He reported there was only one
24 shareholder that "pushed back" on the rate increase. J Baldwin felt that even with the recent
25 increase in share fees it was very inexpensive water. He was having a hard time understanding
26 why all shareholders would not want to invest more. His concern was not investing more; it was
27 with the disparity of the rates.
 - 28 • Mayor Drew explained MOU is an agreement to enter discussions. He felt it was a step forward.
 - 29 • J Baldwin felt facilitating secondary water was a fantastic idea. Because of the high dollar
30 amount, a secondary system is a very long-term plan. He also felt developers need to put the
31 infrastructure in now so it will be in place when we do move to a secondary system.
 - 32 • R Sneddon felt it necessary to agree on some fundamental engineering aspects, such as the type
33 of pipe. He felt the City may be able to contribute engineering expertise. He felt it was
34 important that the pieces fit together in the future. J Fuhriman stated the Board was open to
35 those ideas.
 - 36 • J Baldwin asked if the City could contribute equipment and work force. R Stapley explained
37 historically the City has not kept track of their participation in maintenance. However, we intend
38 to in the future. Mayor Drew explained the City maintenance assistance would be limited to the
39 canals within the City boundaries.
 - 40 • K Allen felt the MOU was an agreement to talk. Down the line, the questions discussed tonight
41 would be discussed in detail and solutions explored.
 - 42 • J Baldwin felt it very important that the share fees discussion occur and the disparity corrected.
43 He just does not see the City paying more than anyone else does, because we use the water as
44 anyone else would. If \$70/share for all shares is the amount necessary to generate the required
45 revenue, it is what it is. Whatever the number, it needs to be equal and enough to provide the
46 necessary funds. He felt even at \$90/share, it was very inexpensive water.

- Mayor Drew felt there were three cost drivers: administrative costs, annual O&M (including the water master), and capital repair and replace. In the end, the methodology will be easy to understand.
- J Baldwin explained the City sent the Company a check for the share assessment (based on paying the same assessment as everyone else). He wanted to make sure the \$10,000 was not designated as water share fees, but was designated for the repair of the liner. He does not want this to look like the City agreed to the higher share rate.
- Mayor Drew explained the payment of the money being contingent on the shareholders approving the MOU was not discussed with the Board.

Motion to approve paying to the canal company \$10,000 toward repair of the canal, and both canal company and City are obligating to the MOU and the issues of rates, responsibility, and the Mayor on the Board will be followed through [making the \$10,000 contingent on the shareholders approving the MOU] – J Baldwin, second – R Sneddon.

- J Fuhriman thought the shareholders would be in favor of the MOU. He explained the bylaws would have to change to accommodate some of the MOU points. Clay Welker felt if the discussion were to raise the rates, the shareholders would not be for it unless the City pays 30%.
- J Baldwin felt the motion “put the ball in the Board’s court” to meet with the shareholders and say this is what the City is willing to do. If the shareholders do not agree, we are back to square one. J Fuhriman had a hard time thinking the shareholders would say no, especially since there is talking.
- K Eck did not understand why the City did not just move forward by giving the \$10,000. She did not like the ultimatum. She felt giving an ultimatum may be taking one-step forward and two steps backward. The resolution without the ultimatum is talking and moving forward.
- J Baldwin felt the City was giving the Company a lot of money. He felt there needed to be commitment attached to the money. Clay Welker was concerned about the timeframe. J Baldwin did not specify a timeframe. If it takes more money to keep the Company afloat, the shareholders have no choice but to have the fees raised.
- K Eck recommended approving the resolution as written.
- J Hubbard stated the Company could not commit to the items in the MOU until the shareholders vote.
- Mayor Drew explained the City is taking a risk if the resolution is approved without the contingency. The whole idea is to reach a common understanding. The shareholders could say no. Mayor Drew reminded the Board in the previous discussion he stated he did not think the Council would agree to more money without an understanding. That is why the MOU is proposed.
- J Baldwin did not feel there was a guarantee that even with the \$10,000 the water would be available in May.
- K Allen called for a vote.

Yea: J Baldwin, Sneddon, Giles

Nay: K Allen, K Eck

J Baldwin wanted the Company to be as committed to improving the infrastructure as the City is. Mayor Drew explained the upper canal carries the water for the exchange. The lower water carries regular shares, 130 of our shares are in this canal that has nothing to do with the exchange agreement.

Item No. 3. Discussion – Park Committee: Council Member, Kristina Eck will review the Park Committee recommendations for park improvements and RAPZ money.

- K Eck reported she has received great response from the citizens through phone calls and emails. The Park Committee met just prior to tonight’s city council meeting.

- 1 • The Committee discussed the 400 South park. They suggested less expensive xeriscape, grasses,
2 and adult fitness features. K Eck reported someone on the Committee is an expert with
3 xeriscape. K Eck felt the bids the City received were for something outrageously expensive; she
4 is hoping for balance. Mayor Drew asked that K Eck put the Committee’s suggestions in writing
5 for the staff.
- 6 • The Committee is considering ideas for the 800 South 400 East park.
- 7 • The Committee discussed the RAPZ application. K Eck reported she is getting a lot of push back
8 from citizens on all time and money the City spends on baseball and softball. She asked the
9 Council to consider more balance in the future when spending money on parks. She requested
10 the staff amend the RAPZ application to request money for the pickleball court lights in addition
11 to the softball field lights. If the City receives an award that is not large enough to install the
12 softball field lights, the City would install pickleball court lights. K Eck felt lighting the softball
13 field was a want, not a need.
- 14 • K Allen felt the softball park improvements were sorely needed.
- 15 • Danny Macfarlane stated there is no practice space for soccer or lacrosse. He expressed concern
16 that last summer he saw a lot of baseball played on the softball field; and felt the softball field
17 upgrade was guise for another baseball field.
- 18 • J Baldwin felt lighting the field would allow far more use. D Giles asked why the existing lights
19 were insufficient. S Bankhead reported she was told the existing lights did not adequately light
20 center field. The improvements include upgrading the lights on the four existing poles and
21 adding two new poles with lights.

22 **Item No. 4. Resolution 006-2018 – Development Agreement:** The Providence City Council will consider
23 for adoption a resolution approving the Development and Public Improvement Installation Agreement
24 (Development Agreement) for Providence Hollow Phase 2, a 23-Lot residential subdivision located in the
25 general area of 600 East 500 North.

26 **Motion to approve Resolution 006-2018 approving the Development and Public Improvement**
27 **Installation Agreement (Development Agreement) for Providence Hollow Phase 2, a 23-Lot residential**
28 **subdivision located in the general area of 600 East 500 North– K Eck, second – R Sneddon**

- 29 • S Bankhead reviewed the Development Agreement. She explained the developer would
30 dedicate the storm water facility to the City. Therefore, the grant of easement and maintenance
31 agreement is not included in this Development Agreement.
- 32 ○ S Bankhead explained a correction on page 3. The Developer is **not** required to install a
33 temporary turnaround on the south end of Sarah Street. Because the temporary dead-
34 end on the south end of Sarah Street is less than 150 feet from the intersection, it does
35 not require a temporary turnaround.
- 36 ○ S Bankhead explained the Developer is installing a temporary turnaround on the east
37 end of 400 North. This is an off-site improvement. The property owner is dedicating a
38 temporary easement to the City; and the Developer will provide the City with the
39 Instrument No. once the easement is recorded.
- 40 ○ S Bankhead explained the culinary water system also has off-site improvements. The
41 Developer will install an eight-inch water line from the north end of the existing Sarah
42 Street to the north end of the development. Most of this line is off-site. The property
43 owner will record an Instrument granting the City an easement for the water line. The
44 Development Agreement will include the Instrument No. The following statement will
45 be added to 1.11.2: *Providence City will not be responsible for the realignment or*
46 *elevation grade changes for the culinary water line that may be required in the future*
47 *when Sarah Street is built further to the south.*

- 1 ▪ J Baldwin asked if the existing line in Sarah Street was an adequate size to
2 provide the water. R Stapley stated it was.
- 3 ○ S Bankhead explained landscaping is not normally required in residential subdivisions.
4 However, because the Developer is dedicating the stormwater parcel to the City, the
5 Development Agreement includes the following landscaping requirement: *The*
6 *Developer agrees to vegetate the stormwater parcel with a drought resistant plant mix*
7 *approved by the City.*
- 8 • J Baldwin asked if stormwater in this development would connect to the lower subdivision
9 [Providence Hollow]. D Macfarlane explained the proposed storm water system. The design is
10 for detention, but will not have a release plate until a section of pipe is installed in Spring Creek
11 Parkway [500 North]. Until that time, Phase 2 will retain its own stormwater. The pipe in Spring
12 Creek Parkway was sized to handle 0.2 cfs per acre, the acceptable historic release. They are
13 installing a 15-inch stormwater line in the section of Sarah Street through the development. This
14 will allow future developments to the south to release into this stormwater line, which connects
15 to the stormwater line in Spring Creek Parkway. Essentially everything south of Spring Creek
16 Parkway and east of Sarah Street will run into the Spring Creek Parkway system, eventually
17 getting to the Logan River.
- 18 • K Eck liked the Hollow Subdivision because multiple contractors built the homes, instead of a
19 single contractor building all the homes. D Macfarlane anticipates multiple builders in this
20 development.
- 21 • K Eck asked about requiring decorative streetlights. She reported Smithfield requires decorative
22 streetlights that are really beautiful. J Baldwin liked the idea. R Sneddon asked for a definition of
23 “really beautiful”. D Macfarlane explained Smithfield has a standard for the decorative light they
24 require. Jeff Jackson explained the Smithfield light is about double the cost of a regular light; in
25 part, because Smithfield requires developers purchase the lights from a particular vendor.

26 **Vote:**

27 **Yea: K Allen, J Baldwin, K Eck, D Giles, R Sneddon**

28 **Nay: None**

29 **Excused: None**

30 **Absent: None**

31

32 **Item No. 5. Discussion – Design Standards for Residential Development:** The Providence City Council
33 will discuss proposed amendments to Providence City Code Title 10 Zoning Regulations, Chapter 8 Area
34 Regulations and Parking Requirements by adding Section 9 Design Standards for Residential
35 Development.

36 The Council discussed changing the agenda order for Item 5 and Item 6. They decided to keep the
37 existing order.

38 **Motion to discuss design standards for residential development – J Baldwin, second – K Allen**

- 39 • K Allen wanted to know who wrote the proposed standards. S Bankhead explained Shari
40 Phippen wrote the proposed standards. The standards are primarily for multi-family structures,
41 but may apply to single-family structures in some instances such as a planned development.
- 42 • J Baldwin did not want to restrict good quality architecture just because it is not on the list.
- 43 • R Sneddon expressed concern that it requires a landscape architect design for a single duplex.
44 He felt the standards would be over kill on a single duplex.
- 45 • K Allen expressed concern about limiting colors. D Giles and K Eck expressed concern about
46 enforcing the standards. D Giles reported he had a negative experience with design review in

- 1 Logan; he felt they required too much. He felt the proposed standards were “big brother looking
2 over the shoulder”.
- 3 • D Giles ask why the Council was considering design standards. K Eck explained the Council asked
4 the staff to prepare design standards. Mayor Drew reported he heard more than one [council]
5 person say, “I would vote for this, if we had design standards”.
 - 6 • J Baldwin questioned if we want control over the designs in the City.
 - 7 • Mayor Drew invited J Jackson to comment on the proposal. J Jackson reported he read the
8 proposal and gave comments. He did not think his comments had been included at this point.
9 He felt some restrictions were good for the City. As a building community, some try to do a good
10 job and others try to do things cheaply. Restrictions help with project quality. However, he does
11 have issue when restrictions are made without proper information.
 - 12 • J Baldwin explained he did not write the proposed standards, and felt S Phippen did her best.
13 However, he does not agree with roof-pitch restrictions. He felt everyone has in mind what he
14 or she think an ugly building looks like or what they do not want built next to them. He would
15 like to provide a buffer.
 - 16 • J Jackson felt the Council has a tough job trying to buffer against poor builders.
 - 17 • J Jackson discussed roof pitch. He explained flat roofs could work very well when done properly.
18 Air conditioners could be installed on the roof rather than around the building.
 - 19 • J Jackson expressed concern with window requirements on side elevations and townhome lot
20 size.
 - 21 • J Jackson discussed parking. He suggested more parking. As written the spaces in the garages do
22 not counted, dis-incentivizing garages. He felt the parking spaces in the garage should count
23 toward parking requirements. Overall, he applauded the effort.
 - 24 • K Eck asked about CCRs. J Jackson felt the City getting involved in CCRs put additional liability on
25 the City. He felt the liability and risk should be on the homeowner association (HOA).
 - 26 • K Eck would like developments to require owner occupied units. J Jackson explained a HOA can
27 require owner occupancy; it is the HOA’s responsibility to enforce.
 - 28 • J Baldwin felt the long-term maintenance was a concern. A HOA would be responsible for the
29 long-term maintenance.
 - 30 • R Sneddon had concern with the landscaping requirement. As written the landscaping is in place
31 before building permits are issued. This will be corrected.
 - 32 • In addition to J Jackson’s suggestions, J Baldwin and K Allen felt other items should change.
 - 33 • Mayor Drew introduced Stephanie Shelman. S Shelman is from Cowdell Woolley. Chad Woolley
34 was in a serious accident over the weekend. S Shelman will cover Providence while C Woolley is
35 recovering.
 - 36 • S Shelman explained cities do not have authority to regulate CCRs. CCRs are considered a private
37 agreement between the HOA and the homeowners. Cities can enforce design standards. Design
38 standards are different from CCRs because design standards are applicable throughout the city.
39 CCRs apply to a specific project or development.
 - 40 • J Baldwin asked about the City’s position for enforcement without design standards. S Shelman
41 explained without standards, there is no basis for justification. Design standards are a baseline.
42 They cannot be so restrictive that developers and builders cannot build anything. The City needs
43 some regulations so that one developer does not build to one set of standards, and another
44 developer builds to a different set of standards.
 - 45 • K Eck asked if an ordinance could be put in place that gave the Council final approval of the look
46 of a development. S Shelman explained the Planning Commission should have final approval.
47 However, the Planning Commission needs standards. If the City does not allow a developer to

1 build something, without published design standards in place, how does the City justify the
2 denial? Having standards gives the City something that is consistent to all developers. The trick
3 is to find the balance in the restrictions; some control – not total control.

- 4 • J Baldwin felt design standards should stop the extremes. K Eck felt developers would do a good
5 job to sell their product. Mayor Drew explained some developers build to the low end for that
6 market.
- 7 • R Sneddon suggested Frank Lloyd Wright’s designs would not have passed this Council.
- 8 • K Eck felt the Council should use caution because the Council members are not professional
9 designers. J Baldwin felt the market would have some influence. Mayor Drew commented at the
10 right price a poorly designed building will sell.
- 11 • The Council agrees there should be some standards.
- 12 • Brent Fresz asked if the City had design standards in place prior to recent multi-family rezone
13 requests, would it have made a difference to the public and would the council members voted
14 differently. J Baldwin stated he did not think it would have made a difference to the public, but
15 with the right design standards, he would have voted differently. He felt the design standard
16 created a minimum level of protection.
- 17 • The guidance is for multi-family. Do not restrict color or use terms such as “in harmony with the
18 neighborhood”.
- 19 • J Baldwin was willing to write a draft. S Bankhead appreciated J Baldwin’s willingness to write
20 the draft; however, she suggested the staff incorporate the comments [both from the
21 development community and the council] from tonight’s meeting in a draft, and then give the
22 new draft to the Planning Commission for review.
- 23 • B Fresz asked why limit the design standards to multi-family. J Baldwin felt multi-family seem to
24 be the concern for most people. Mayor Drew felt the City’s comeback to the public concern
25 about multi-family is that we have developed standards.
- 26 • S Bankhead explained that state code requires planning commission make recommendations on
27 land use code amendments.
- 28 • R Sneddon did not like the idea of a developer giving his ideas to the City without paying the
29 developer for his expertise. He felt we should hire the developer as a consultant. J Jackson did
30 not feel he was any different from any other citizen.
- 31 • B Fresz asked for prioritization. After some discussion, the Council felt the priorities were life
32 cycle zone/design standards, and then general plan.
- 33 • B Fresz felt the theory behind the ordinance should be included. K Eck felt simplifying was
34 better. S Shelman explained it works better for the attorneys to redline, but they are happy to
35 attend the planning commission meeting and help with writing. She suggested reasonable
36 person standard and using general terms (specifics can limit the City; attorney review will help
37 prevent ambiguity). S Shelman reported she works with the City of Taylorsville. They are
38 constantly revising their design standards because they are too specific and restrictive.
- 39 • It was determined staff would incorporate the comments from tonight’s meeting, comments
40 from the development community, and comments from the Council in the proposed draft. It will
41 then be sent to the attorney for redline. Then the attorney can attend the planning commission
42 meeting to train and explain redlines.

43 **Item No. 6. Training Presentation:** Providence City Attorney, Chad Woolley will conduct training on the
44 Open Meetings Act and Ethics.

- 45 • The Council felt C Woolley covered the Open Meetings training in the last meeting.

- 1 • S Shelman reviewed Title 67 Chapter 16 Utah Public Officers. The purpose of the statute is to
- 2 provide standards of conduct in areas with actual or potential conflicts of interest between
- 3 public duties and private interests.
- 4 • As a city official, you are privy to confidential information that cannot be divulged except under
- 5 certain circumstances.
- 6 • A person’s official position on city council should come before personal interest.
- 7 • Volunteering does not qualify as gaining economic interest because you are not gaining
- 8 anything; you are not getting paid.
- 9 • A city official cannot receive or accept a five of substantial values of economic benefit
- 10 tantamount to a gift. There are some exceptions such as occasional non-pecuniary gift less than
- 11 \$50 in value, publicly presented award for recognition of public service, bona fide loan made in
- 12 ordinary course of business, or political campaign contributions.
- 13 • A city official cannot require a person to donate personal property, money, or services as a
- 14 condition of granting any application, permit, approval, or authorization.
- 15 • A city official cannot receive compensation to assist any person or business with any transaction
- 16 involving an agency unless a sworn written statement is filed with the mayor.
- 17 • Any substantial interest in a business that is regulated by the City must be disclosed unless the
- 18 value is less than \$2,000.
- 19 • A city official cannot have personal investments in any business entity which will create a
- 20 substantial conflict between private interests and public duties.
- 21 • A city official cannot induce or seek to induce any public officer or employee to violate this Act.
- 22 • S Shelman reviewed the penalties for violating the Act.
- 23 • A person may file a complaint for an alleged violation of the Act with the Political Subdivisions
- 24 Ethics Review Commission.
- 25 • S Shelman explained “grey” areas often come up. Discuss these with the city attorney to make
- 26 sure violations do not occur.
- 27 • S Shelman explained the intent of the act is not to prohibit public officials from doing what
- 28 private parties can do; it is just that a public figure needs to disclose their position.

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

- 30 • R Stapley explained he is hoping to have the Baur Avenue plans completed by the end of
- 31 February. He is working on the street maintenance plan for this spring/summer. He is
- 32 considering working with the County to have a few of our streets chip sealed.
- 33 • S Bankhead reported the January invoice report was included in the staff report. She explained
- 34 the Appeal Authority granted a variance request for a private road in the Little Baldy
- 35 Subdivision. She reported the Historic Preservation Commission has selected and met with a
- 36 consultant to prepare Intensive Level Surveys on five locations in the City. She reported she and
- 37 R Stapley are talking with engineers to get estimates for a study on the amount of storm water
- 38 going into the irrigation systems. The impact fee facilities plan for streets is not in draft form.

39 Council Reports: Items presented by the City Council members will be presented as informational only;

40 no formal action will be taken. The City Council may act on an item, if it arose subsequent to the posting

41 of this agenda and the City Council determines that an emergency exists.

- 42 • K Allen – no report
- 43 • J Baldwin – no report
- 44 • R Sneddon – no report
- 45 • K Eck suggested talking to Pat Perry for ideas for the recreation program, particularly concerts in
- 46 the parks. Mayor Drew felt concerts in the park was money well spent because they draw

1 people to the City and support local businesses. He also plans to feature each park in future
2 newsletters.

- 3 • D Giles reported the Soccer Tournament Director is scheduling a July Tournament with Sheyler
4 Gunnell. D Giles was concerned that the City is closing the soccer fields for a month for field
5 maintenance. S Bankhead reported the staff is considering closing for two weeks prior to the
6 tournament to repair the fields from the spring leagues, opening the fields for the tournament,
7 and then closing the fields for two weeks for additional maintenance prior to the start of the fall
8 leagues. D Giles felt maintenance should be done in sections, keeping the parks open.
- 9 • Mayor Drew would like to discuss the “what if” the economy drops and sales tax revenue drops
10 – what are our revenue options. He reported he is doing research on the fire contract. He spoke
11 with Jason Watterson, Utah Local Government Trust, a volunteer fire department would affect
12 the City’s liability insurance and probably individual homeowner’s insurance. The Mayor will
13 notify the Council Members when he hears issues.

14 Executive Session Notice:

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

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

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

- 21 • No closed session held.

22
23 **Motion to adjourn – J Baldwin, second – K Allen**

24 **Vote:**

25 **Yea: K Allen, J Baldwin, K Eck, D Giles, R Sneddon**

26 **Nay: None**

27 **Excused: None**

28 **Absent: None**

29
30 **MINUTES APPROVED ON FEBRUARY 27, 2018**

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36 _____
John Drew, Mayor

Skarlet Bankhead, City Recorder