

1 **PROVIDENCE CITY COUNCIL MEETING MINUTES**

2 Providence City Office Building, 164 North Gateway Drive, Providence UT 84332

3 July 18, 2017 6:00 p.m.

4

5 **Call to Order:** Mayor Calderwood

6 **Attendance:** Jeff Baldwin, Kirk Allen, John Drew, Dennis Giles, R Sneddon

7 **Absent:**

8 **Excused:**

9

10 Meeting began at 6:00 pm

11

12 Mayor Calderwood led in the pledge of allegiance. Dennis Briscoe offered an opening prayer.

13

14 **Approval of the Minutes:**

15 **Item No. 1.** The Providence City Council will consider for approval the minutes of June 27, 2017.

16

17 **Motion to approve minutes of June 27, 2017 City Council– J Drew, seconded by J Baldwin**

18

19 **Corrections:**

20 Page 1 Line 51: Add information specifying the intersection of 100 E and 400 S

21 Page 3 Line 41: Add after Price “, Utah”

22 Page 4 Line 42: Change “they” to “we”

23 Page 4 Line 44: Emit “like that” and add “this process”

24 Page 5 Line 22: Emit “so to” and change to “then”

25 Page 5 Line 45: After . capitalize “Some”

26 Page 6 Line 6: Take out “in” after “people”

27 Page 6 Line 11: Change “streets” to “street”

28 Page 6 Line 35: Add Danny MacFarlane’s full name

29 Page 6 Line 37: insert “be” between “to used”

30 Page 6 Line 38: Change “something like that” to “having this type of ordinance”

31 Page 6 Line 39: Emit “it” change to “the ordinance”

32 Page 6 Line 39: Change “some” to “more”

33 Page 6 Line 40: Emit “approaches” and replace with “requests mixed use zoning”

34 Page 6 Line 32: Add comment by Mayor Calderwood: -Mayor Calderwood polled the council about having a  
35 discussion at the next city council meeting concerning impact fees. All members of the council responded  
36 affirmatively.

37 Page 6 Line 9 & 10: Change “camera” to “image”

38

39 **Vote:**

40 **Yea:** J Baldwin, J Drew, D Giles, R Sneddon, K Allen

41 **Nay:** None

42 **Excused:** None

43

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

48

49 **Kathleen Sneddon** – On the 400 East between Center Street and 100 North, there is a depression in the road that  
50 has been there for a long time; there is a cone in the street alerting drivers of the depression, making it so drivers  
51 have to drive around the depression not through it. Last week as she was driving on 400 East in the north bound  
52 lane, another driver in a jeep was driving in the south bound lane, didn’t see the cone until the last minute and  
53 swerved into the north bound lane. She stated that if she had been 5 feet further ahead when the driver swerved  
54 she would have been in a head on collision. She doesn’t know what caused the depression in the road, but she is  
55 asking that it be fixed.

1 R Stapley responded that the depression in the road was caused by a water main break and fixing that road is at  
2 the top of the street department's to-do list.

3  
4 **Kristina Eck** – She is asking if the Mayor has any intention of holding a “Meet the Candidates” night for the  
5 upcoming election.

6 Mayor Calderwood responded that there will be a “Meet the Candidates” night after the upcoming primary. There  
7 will be a primary election for the Mayoral election; there will not be a primary election for the City Council  
8 election. After the primary election, there will be a forum where the candidates can give their background to the  
9 public.

10 Mrs. Eck asked if it would be possible to have something put on the city website for the public to get to know each  
11 candidate. She has looked at other city websites and they have a page/section about each candidate.

12 S Bankhead stated that if all the candidates are interested in doing an introduction like that, the city could post  
13 that information on the city website.

14 Mrs. Eck stated that she is concerned that the public won't know about the meet the candidate night, because she  
15 feels like the city isn't good at informing the public about important meetings. She would like to know when the  
16 meet the candidate night will be so that she can help inform the public.

17 A discussion ensued about when the meet the candidate night could/should be held. It was decided that the mail  
18 in ballots are mailed out in the beginning of October so it would be best to have the Meet the Candidate Night at  
19 the end of September.

20 Mrs. Eck also asked that the Meet the Candidate Night be posted on the website and in the newsletter.

21 Mayor Calderwood stated that all the information would be in the newsletter and posted online.

22 S Bankhead stated that the city has signs they will post around the city informing the public of the upcoming  
23 meeting.

24 J Drew responded that Logan City has a section on their website for each candidate with a picture and a maximum  
25 of 400 words.

26  
27 Mayor Calderwood closed the public comments.

28  
29 **Public Hearing – 2018 Budget Adjustments:** Prior to making adjustments to the 2018 Budget for General Fund, the  
30 City Council is holding a public hearing. The purpose of the public hearing is to provide an opportunity for anyone  
31 interested to comment on the adjustments before action is taken. The City Council invites you to attend the  
32 hearing in order to offer your comments.

33  
34 **Motion to open the Public Hearing regarding the 2018 Budget Adjustments, made by K Allen, seconded by D**  
35 **Giles.**

36  
37 S Bankhead stated Providence City was awarded \$130,000 from the Restaurant Tax Grant. The money will be used  
38 to improve the baseball and softball fields. The adjustment is to increase the GF Revenue: Intergovernmental  
39 Revenue Restaurant Tax from \$12,000 to \$142,000 and increase GF Expense: Finance and Records Recreation –  
40 Baseball/Softball Fields from \$25,000 to \$155,000.

41 J Baldwin asked if the lights on these fields will be updated.

42 S Bankhead stated that the lights for these fields will be upgraded next year, this year's money will go towards  
43 improving the field, dugouts, digging out the dirt part of the field, fencing, score board, and concrete behind the  
44 backstop.

45 J Baldwin asked if bids have already been received so that the city is certain they will have enough money to finish  
46 the project.

47 S Bankhead responded that bids had been received and were included in the application for the grant.

48 Mayor Calderwood stated that over the last three to four years Providence City has received a fair amount of  
49 money from the RAPZ tax grant.

50 J Baldwin asked where specifically the money received from the RAPZ grant has to be used?

51 Mayor Calderwood replied that from his understanding the money has to be used in the parks and recreation  
52 departments.

53 S Bankhead responded that the grant money can be used for cultural events, but for cities they usually want to see  
54 the money used for brick and mortar projects such as new playgrounds, or for operational costs if the institution is  
55 non-profit such as the American West Heritage Center.

56 K Allen included that RAPZ tax grant paid for the City's Pickleball courts and resurfaced the tennis courts.

1 Kristina Eck asked what the purpose of the outfield fence will be? Is it to keep kids out of the field?  
2 K Allen stated that it is hard to hit a home run when you don't have a fence to hit it over.  
3 S Bankhead stated the fence will be a home run fence. The purpose of the fence is not to keep people out of the  
4 area. The elementary school will continue to use that area as they always have, there will be gates in the fence so  
5 that the elementary has access to the field.  
6

7 **Motion to close the public hearing made by J Baldwin, seconded by K Allen.**

8

9 **Vote**

10 **Yea:** K Allen, J Baldwin, J Drew, D Giles, R Sneddon

11 **Nay:** None

12

13 **Business Items:**

14 **Item No. 1. Resolution 030-2017 2018 Budget Adjustments.** The Providence City Council will consider for adoption  
15 a resolution adjusting the 2018 General Fund Budget.

16

17 **Motion to approve Resolution 030-2017 budget adjustments as previously discussed, made by J Baldwin,**  
18 **seconded by R Sneddon.**

19

20 **Vote**

21 **Yea:** K Allen, J Baldwin, J Drew, D Giles, R Sneddon

22 **Nay:** None

23

24 **Item No. 2. Resolution 031-2017 Planning Commission Appointment.** The Providence City Council will consider for  
25 adoption a resolution appointing an alternate member to the Planning Commission.

26

27 **Motion to approve Resolution 031-2017 for an alternate planning commission member, made by J Baldwin,**  
28 **seconded by K Allen.**

29

30 Brian Carlsen lives on 100 West and runs his own business "Carlsen Home Inspections". He felt that because of his  
31 experience inspecting homes in Providence that that experience could give him a different perspective than others  
32 might have.

33 J Baldwin asked Mr. Carlsen's opinion on the mixed use zone.

34 Mr. Carlsen replied that he thinks it is fine as long as it is well thought out. He described some examples in Logan,  
35 UT where a mixed use zone has worked well, he recognizes that there are spots where mixed use needs to be, but  
36 there are also spots where a mixed use zone shouldn't be.

37 K Allen asked Mr. Carlsen what his perception of the purpose of the Planning Commission.

38 Mr. Carlsen responded that he believes the Planning Commission is an information gathering team that will make  
39 recommendations to the City Council as they see best for the City.

40 R Sneddon asked Mr. Carlsen what he feels needs to be changed or added that would be helpful to the City.

41 Mr. Carlsen stated that at this point he doesn't have an answer to that question. In the last 6 months as he has  
42 talked to other people about being on the Planning Commission he feels that this is a way he can give back to the  
43 community.

44 R Sneddon asked how Mr. Carlsen works in a group.

45 Mr. Carlsen stated that he works well in a group, he stated that he can take charge if he needs to, but he prefers not  
46 to take charge, he prefers to be the one asked to go get information and research done.

47 J Drew asked Mr. Carlsen, because of his experience inspecting homes, does he see sump pumps discharging into  
48 the sewer?

49 Mr. Carlsen stated that he sees sump pumps discharging into the sewer system all the time. He sees that happen  
50 more in Logan than in Providence, but he does see it on occasion in Providence, where a home owner has installed  
51 a sump pump themselves.

52 J Baldwin asked for a percentage on how often Mr. Carlsen finds sump pumps discharging into the sewer system, is  
53 it 10 %?

54 Mr. Carlsen stated that there aren't as many homes with sump pumps as the Council probably thinks. A lot of  
55 people in Providence will never have an issue with ground water. This last winter was kind of a weird year because  
56 of all the snow.

1 Robert (Bob) Perry, moved from New York state to be closer to family. He volunteered and worked as an elected  
2 official in the village where they lived. He worked as a Village Trustee, as the Town Justice. On the county level, he  
3 was the chairman of the county planning board for about two and a half years. He worked with anything that had a  
4 county wide impact. He dealt with solar companies and needing to educate farmers that when they switched to  
5 solar they lost tax credits. He was the elected president of the New York Snow Mobile Association for two years. He  
6 would like to help the community he has moved into. He sees a lot of parallels between the community he moved  
7 from to the community he lives in now.

8 D Giles asked about the village Mr. Perry moved from what was the population size?

9 Mr. Perry replied that the population was about 2,500.

10 J Baldwin asked about the population of the county he served in?

11 Mr. Perry replied that the population is approximately 17,000.

12 R Sneddon asked about the resolution for the farmers Mr. Perry discussed earlier.

13 Mr. Perry stated that a lot of education was done to help resolve the situation.

14  
15 It was discussed that only one alternate is needed right now for the Planning Commission. Although the Council  
16 would like to appoint both gentleman to the Planning Commission, the way the code is written only one can be  
17 chosen for the position.

18  
19 **A motion to appoint Bob Perry as an alternate member of the Planning Commission is made by J Drew, seconded**  
20 **by D Giles.**

21  
22 **Vote**

23 **Yea: K Allen, J Baldwin, J Drew, D Giles, R Sneddon**

24 **Nay: None**

25  
26 **Item No. 3. Resolution 032-2017 Development Agreement.** The Providence City Council will consider for adoption  
27 a resolution approving the Development and Public Improvement Installation Agreement for the Providence  
28 Heights Subdivision Phase 1, a 13-lot phase of a residential subdivision, located at approximately 900 South 400  
29 East.

30  
31 **Motion to approve Resolution 032-2017 Development Agreement for the Providence Heights Subdivision Phase**  
32 **1, made by K Allen, seconded by R Sneddon.**

33  
34 S Bankhead stated that as Executive Staff they need the Council's input on a couple items. The Spring Creek Water  
35 Board will need to look at the Agreement on Exhibit C. She is unsure of when they received the agreement, so far  
36 the board has not agreed to Exhibit C yet. It is really important that the Water Company agree to that document.  
37 On page 4, Aaron Walker, with the Logan City Fire Marshalls Office, suggested a change of wording, under the Fire  
38 Protection section. It discusses that these lots are in an area where there is the potential for wild land fires. The  
39 change in wording would direct people to Providence City Code that provides suggestions of how home owners can  
40 reduce the impact of wild land fire in that area.

41 On page 5, on 1.6.4. Max Pierce suggested changing the construction schedule to read as "The developer agrees to  
42 provide an approved plan with the improvements installed and functioning."

43 Some bond numbers need to be verified again to make sure cost estimates are correct.

44 In number 7, when discussing indemnification of attorney fees rising out of or relating in any way to the bullock  
45 lateral, executive staff would also like that document to include the retention pond.

46 Executive staff asked the Council to continue the development agreement to make sure that the Spring Creek  
47 Water Company agrees to Exhibit C and to make the proposed changes reviewed above.

48 J Drew discussed his concerns with the Bullock Lateral because of the high volume of water associated with this  
49 property. None of the share holders can use all the water, they use a portion of the water, but as long as the lateral  
50 is active, there will be water flowing. He is concerned that the large volume of water in that area will become a  
51 permanent discharge point for that lateral. He discussed his concerns with Max Pierce after the most previous  
52 Planning Commission meeting about this particular issue. He asked if Max Pierce has a mechanical (physical)  
53 solution to this problem.

54 S Bankhead stated that Max Pierce does have some concerns about the water situation and the retention pond.  
55 The retention pond will adequately be capable of holding runoff from the irrigation water flowing for a period of 1  
56 hour. The concern is that, even though the anticipated flow would run for only 30-40 minutes, the water company

1 has not provided Providence City with an accurate measurement of water volume that would realistically flow in  
2 that amount of time.

3 J Drew stated that what the water company should be able to do is give a worst case scenario. To be able to  
4 estimate each shareholder's volume of water while the Bullock Lateral is active. There will be times, due to weather  
5 or other situations where the shareholders pass on the opportunity for water, more than an hour's worth of water  
6 will need to be stored in that retention pond. He believes that increasing the size of the retention pond to hold one  
7 hour of water retention flow will not be enough for the large volume of water that comes through these  
8 properties.

9 S Bankhead clarified that the purpose of the retention pond is not to provide water storage for all the water coming  
10 through the canal, but to provide a storage area for water after a shareholder turns off the head gate but the water  
11 is west of the head gate. The retention pond is being increased to catch that water, not to take care of the entire  
12 stream.

13 J Baldwin asked what will happen if shareholders don't use their share of the water? Where will the water go?

14 S Bankhead discussed the developer and Irrigation Company's plan to educate all of the shareholders to stress the  
15 importance of using their water share when it is their turn. That plan was not made by the City, but by the  
16 developer and Irrigation Company. The development agreement was changed to specify that it will be an annual  
17 education program for the shareholders. She expressed another concern of R Stapley's and Max Pierce, that the  
18 developer will work with property owners to obtain a right of way for a bypass that will divert water back into  
19 Spring Creek. They plan to have a pipe that will divert water from the Edgewood Lateral back into Spring Creek.  
20 They will install the head gate so that all the water can be shut off to the Bullock Lateral. Based on prior tests from  
21 George Daines, the users on the Bullock Lateral can divert water to run down the Edgewood Lateral, so that no  
22 water will be in the Bullock lateral. She stated that in the past when the head gate has been shut on the Bullock  
23 Lateral to divert the water, it pressurizes the Edgewood Lateral and causes water to bubble up in the streets and in  
24 people's backyards. Executive staff is worried that the fail safe may not work like it is supposed to, so they would  
25 like to explore more options.

26 J Drew discussed the schedule that the Bullock Lateral runs off of. He believes the city should have more of a fail  
27 safe than is set up. He is also concerned about liability for the City and the Spring Creek Irrigation Company.  
28

29 **Motion made to continue Resolution 032-2017 Development Agreement for the Providence Heights Subdivision,**  
30 **because of too many unresolved issues, motion made by J Drew, seconded by J Baldwin.**

31  
32 **Vote**

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

34 **Nay: None**  
35

36 **Item No. 4. Resolution 033-2017 Development Agreement.** The Providence City Council will consider for adoption  
37 a resolution approving the Development and Public Improvement Installation Agreement for the Providence  
38 Estates Subdivision, a 26-lot residential subdivision, located at approximately 1180 South 400 East.  
39

40 **Motion to approve Resolution 033-2017 Development Agreement, made by J Baldwin, seconded by R Sneddon.**  
41

42 S Bankhead stated that the development is in the backyard of the Hillsborough Subdivision. She pointed out that  
43 she missed one of their improvements on the construction drawings. It will need to be added to the development  
44 agreement that a well is going to be abandoned by the developers. The well is shown on the construction drawings,  
45 but was not called out in the development agreement. She also called attention to 1.3.1 this is the same wording  
46 that will be used in the Providence Heights Development Agreement.

47 S Bankhead discussed offsite infrastructure requirements. Hillsborough has an unfinished section of road and  
48 Providence City has a recorded easement for a turnaround located where the unfinished section of road is. When  
49 she was creating this document S Bankhead put that offsite infrastructure was not required because this  
50 development, but technically that area where they would need to do a turnaround is technically offsite. The city  
51 would like to explore some other options, but there may be some offsite infrastructure needed for this project, to  
52 get the garbage trucks and snow removal equipment to be able to turn around in this property.

53 K Allen asked what some of the options are to fix the problem.

54 S Bankhead discussed one possibility of having the developer provide 22 feet of hard surface to connect in the right  
55 of way to connect where Nate's turnaround is. Another option, which wouldn't be the best for snow removal or  
56 garbage service, would be to have the dead end street be 150 feet or less and to use that dead end street as the T

1 of the turnaround. But then the City would have to place restrictions on both properties to have their driveways on  
2 the north end of the lot as to not obstruct snow removal or garbage services.  
3 S Bankhead stated that if the Council chooses to approve the development agreement that they approve it with the  
4 conditions that 1.2 be amended as discussed and 1.11.1 may be amended as discussed or that it may stay the way  
5 it is.  
6 J Baldwin asked about the fee-in-lieu for water on this property  
7 S Bankhead stated that historically this property was dry farmed and does not have water shares associated with  
8 this property so the fee-in-lieu was coming.  
9 J Baldwin asked if the City is sticking with the \$3,000 for fee-in-lieu?  
10 S Bankhead stated that yes it would be the \$3,000 unless the Council wanted to do more homework and change  
11 the amount.  
12 K Allen asked about the improvements that will be made to 400 East.  
13 S Bankhead stated that the developers will not be expanding the full width of 400 East but they will be doing their  
14 side of 400 East, from the center line of 400 East they will be providing a 66 foot right of way and 37 feet of asphalt.  
15 They will bump into another property that they don't own, but the City is trying to see if the property owner is  
16 interested in working with the City and developer to try to include that small chunk of road, right now that is an  
17 unknown.  
18 K Allen discussed 1.1.2  
19 J Drew discussed 1.1.3 concerning 600 East where it used to be connected to the road coming down from the  
20 Highlands, where the City had a right of way next to Boyd Campbell's house. The Council decided to abandon that  
21 right of way, so the traffic coming from 600 East is no longer an issue.  
22 S Bankhead stated that although the Council chose to abandon that right of way, the master plan for the city still  
23 shows that right of way.  
24 J Drew stated that when the Council chose to abandon that right of way, the master plan should have been  
25 updated when the decision was made in 2015. So the required amount of asphalt should only be 30 feet instead of  
26 37 feet.  
27 S Bankhead responded that she has to go off of what the master plan requires. The master plan can be changed,  
28 but that process will have to be gone through to change the width of asphalt required on that street.  
29 J Baldwin asked if there is connectivity in specific places.  
30 S Bankhead responded that there is connectivity.  
31 Mayor Calderwood asked if there was anything else?  
32 Matt Nelson, who represents the developer, asked to address the Council. He discussed 600 East and the issues  
33 they have experienced with this project. The developer felt like because of the other concessions they have made  
34 for the City, they are not comfortable putting in 37 feet of asphalt for the road on 600 East, they feel that because it  
35 is a typical residential road, they should only be required to provide 30 feet of asphalt.  
36 It was discussed by the Council, S Bankhead, Mayor Calderwood and Matt Nelson how quickly the master plan  
37 could be changed, so that the developers only have to provide 30 feet of asphalt.  
38 Mayor Calderwood asked S Bankhead if the Council should not approve the development agreement tonight or if it  
39 could be approved and then changed later when the master plan is adjusted.  
40 S Bankhead responded that Matt cannot move forward until the signed construction drawings and development  
41 agreement. Once he has signed construction drawings and the development agreement he can start work, but he  
42 can't start selling lots until the plat is recorded, but he can wait up to a year after the plat has been signed to record  
43 it. The construction drawings are the most important part at this juncture. If the construction drawings show 37  
44 feet of asphalt they can be approved by Max Pierce, and then when city code is changed later, new construction  
45 drawings with 30 feet of asphalt can be approved and amended so that the developer can move forward with 30  
46 feet of asphalt.

47

48 **Vote**

49 **Yea: K Allen, J Baldwin, J Drew, D Giles, R Sneddon**

50 **Nay: None**

51

52 Todd Hendricks had a comment the preliminary plat was approved with a 60 foot right of way.

53 S Bankhead responded that there was a condition listed on the preliminary plat that stated that the right of ways  
54 had to be worked out before moving forward.

55 Todd stated that the preliminary plat was approved with a 60 foot right of way, it states it on the preliminary plat  
56 and in a meeting S Bankhead stated that it would be a 60 foot right of way. He is asking why the City is now asking

1 for a 66 foot right of way. The Hillsborough subdivision has a 60 foot right of way and the Orchard Hills subdivision  
2 north of this subdivision was approved at a 60 foot right of way so it makes things consistent to have this  
3 subdivision have a 60 foot right of way as well.  
4

5 **Item No.5. Resolution 034-2017 Request for a Special Permit for relief from the noise level designated in**  
6 **Providence City Code Title 4 Chapter 9 Noise.** The Providence City Council will consider for adoption a resolution  
7 approving a Special Permit for relief from the noise level designated in Providence City Code Title 4 Chapter 9  
8 Noise, requested by Eva M. Crookston, Office Manager ACI Construction LLC, for the Little Baldy Subdivision project  
9 located at approximately 80 North, Providence UT.  
10

11 **Motion to approve Resolution 034-2017 made by J Baldwin, seconded by J Drew.**  
12

13 S Bankhead stated that she received a phone call from the contractor for the Little Baldy Subdivision to see if they  
14 could get a special permit, because of how high the temperatures are they would like to pour concrete early so  
15 they can get as much curing time as they can. Jason, from ACI, was there to answer any questions the Council  
16 might have. By city code the earliest they can start construction is at 6 am, they are looking to start construction at  
17 5 am starting on Thursday, Friday, and Saturday the same week as this meeting.

18 J Baldwin stated that he thinks the Council should approve the permit, with the temperatures as hot as they are,  
19 that this is not an unreasonable request.

20 Mayor Calderwood invited Jason Moore to come forward to speak to the Council.

21 K Allen asked Mr. Moore who the noise would affect. Mr. Moore stated that it would affect people on Sherwood  
22 Drive with the trucks going up Sherwood Drive and they'll be using a curb machine, which will be reversing the  
23 whole time so the back-up beepers will be going the whole time.

24 J Baldwin asked if they will be notifying people that live in the area of the noise.

25 Mr. Moore responded that they will do whatever they need to do. The back-up beepers will start at 5 am. He stated  
26 that it is such a large subdivision that getting what he needs to do done in 3 days is not possible, so he will need to  
27 ask for an extension or to renew the noise permit. Would it be possible to ask for a specific time frame that he be  
28 granted a special permit?

29 J Baldwin suggested granting a 10 business day permit for relief, and if the job isn't finished in that period of time  
30 then Mr. Moore would need to come back for an extension.

31 K Allen discussed the problems Providence City has experienced in the past when granting special permits for relief  
32 from the noise level, if trucks are driving around and people are being loud at 4 or 4:30 am the City will get  
33 complaints, so he would ask that they be as quiet as they possibly can be until 5 am if they are granted the special  
34 permit.

35 D Giles asked about an option to have a truck on the side of the curb machine to see into the hopper so that the  
36 machine wouldn't have to go in reverse.

37 Mr. Moore stated that that would be more difficult to see into hopper, but he could look into that possibility.

38 Mayor Calderwood clarified that what is proposed is for construction to begin at 5 am and to extend a 10 business  
39 day permit for relief from the noise level restrictions.

40 R Stapley tried to clarify for the Council that this project will not be done in days, but more likely this will be going  
41 on for a couple of months because of the size of the project.

42 Mr. Moore agreed with R Stapley and recognizes that he will need to come back to the Council in the future to ask  
43 for an extension or another special permit.

44 K Allen clarified that if a 10 business day permit is granted, will the noise start at 5 am every day for 10 business  
45 days or will it be spread out across the 10 business days.

46 Mr. Moore stated that it will be a couple days at a time, that they will need to start extra early to pour concrete. He  
47 recognizes that this will be a process, but it will need to be done.

48 Mayor Calderwood asked how the 10 days would be doled out?

49 J Baldwin recommended that he be given a starting date and the 10 immediate days following that is what the  
50 Council is approving for now. A discussion ensued whether or not it should be 10 continuous days or 10 business  
51 days. The Council decided that it would be business days.  
52

53 **Motion to allow the construction company to allow noise to begin at 5 am for 10 business days (Monday-Friday),**  
54 **they can begin on July 20, 2017. There is to be no noise on the job site before 5 am. After the 10 business days**  
55 **are over he can apply for another permit, motion made by J Baldwin, seconded by D Giles.**  
56

1 **Vote**  
2 **Yea:** **K Allen, J Baldwin, J Drew, D Giles, R Sneddon**  
3 **Nay:** **None**  
4

5 **Item No. 6. City Attorney Services:** The Providence City Council will consider the Statements of Qualification  
6 submitted in response to the City's Request for Qualifications for City Attorney Services.  
7

8 Discussion:

9 Mayor Calderwood brought up a conflict for Herm Olsen, because is on the City Council for Logan City, the issue is  
10 concerning the sewer system contracts between Logan City and Providence. Multiple Councilman expressed their  
11 concern about hiring Herm Olsen because of this conflict.

12 J Drew felt like Herm could recuse himself from that particular issue. He also pointed out that once the agreement  
13 is signed then there won't be a conflict anymore.

14 Mayor Calderwood stated that the waste water agreement states that the Logan City Council can make final  
15 decisions. If there are any questions of anything, then the Logan City Council makes the decision.

16 J Baldwin stated that out of the options his first pick is Cowdell & Woolley PC because they do a lot of municipal  
17 work and they're not in town so it's unlikely that they will have conflicts of interest.

18 J Drew suggested talking to Herm Olsen because he is a straight forward guy that would give an honest answer. He  
19 felt like the Council could approach Herm Olsen and ask if he feels like there is a conflict of interest because of the  
20 waste water agreement.

21 J Baldwin asked if the City could ask the opinion of one attorney the City is already using to get recommendations  
22 of which attorney to hire.

23 S Bankhead provided a review of the attorneys the City is currently using.

24 J Baldwin recommended picking three possible applicants to interview and start from there. He recommended  
25 looking at Cowdell & Woolley.

26 K Allen would like to look at more who the primary attorney each law firm would assign to Providence City would  
27 be. He likes the idea of having collaboration between attorneys to best help the City. He also thought it would be  
28 good to hire someone that is close by for quick and easy access to them.

29 Mayor Calderwood asked if the Council was close to narrowing down the candidates.

30 J Baldwin noted that Cowdell & Woolley won't charge for transportation costs.

31 R Sneddon noted that from the research only Cowdell & Woolley and Hillyard, Anderson, & Olsen, seem to be the  
32 only ones that seem to have an established practice in municipal law.

33 J Drew suggested asking potential candidates what their percentage of criminal and municipal law experience is.

34 R Sneddon suggested inviting potential candidates so that they can ask them those questions.

35 Mayor Calderwood asked who he should invite to interview with the Council.

36 J Baldwin suggested: Cowdell & Woolley, Olsen & Hogan, and Hillyard, Anderson & Olsen (H.A.O.)

37 Mayor Calderwood asked the Council if it would be alright if he invited all 3 of these law firms to come and visit  
38 with the Council at the first City Council meeting in August.

39 J Baldwin asked if it would be more appropriate to handle it like they did when finding a city engineer, to work with  
40 them individually.

41 Mayor Calderwood felt that would be more appropriate.

42 J Baldwin felt like they would get a better response from each law firm if they dealt with them individually instead  
43 of in a large group meeting.

44 Mayor Calderwood suggested having a specific City Council Meeting to interview each law firm individually and to  
45 have one come at 6 pm, another come at 7 pm and another come at 8 pm.

46 K Allen suggested having more time in between each law firm, so that the Council could have time to discuss in  
47 between each law firm.

48 S Bankhead suggested choosing a couple of Council members to create committee to interview the applicants  
49 instead of having the quorum interview applicants. If the quorum interviews applicants then it has to be an open  
50 public meeting, if they interview applicants as a committee then it doesn't have to be a public meeting.

51 J Baldwin asked if the interview could be recorded so that the Council could listen to the meetings later on. He felt  
52 that creating a committee of two council members, Skarlet and another attorney to interview the applicants would  
53 work well, like it did when hiring the city engineer and city consultant.

54 Mayor Calderwood asked which two council members should interview the applicants.

55 J Drew volunteered to be on the committee.

56 K Allen volunteered to be on the committee.

1 The Council ultimately decided to hold a public meeting to interview the three law firms. The meeting will be held  
2 on August 15, 2017.

3  
4 **Item No. 7. Impact Fees Discussion**

5  
6 J Drew discussed the need to look at impact fees. Executive Staff recommended reviewing Capital Facility Plans for  
7 various infrastructure of the city and recommended an update for the Capital Plan for water, sewer, parks, storm  
8 water etc. J Drew asked if any of the Council members know how the impact fee amounts are determined. He felt  
9 like it would be helpful to know how those numbers were determined so that the Council could make an informed  
10 decision about impact fee amounts. These impact fees are not an arbitrary number they need to be very precise,  
11 he noted that other cities revisit their capital facility plans every year to ensure that their impact fees are relevant.  
12 J Baldwin asked what data J Drew wants to use or create to show that Providence is on a trend so that Providence  
13 City needs to increase their impact fees.

14 J Drew responded that it is not a trend issue or a comparison to other cities, it is about specific streets, water and  
15 sewer lines, and park equipment that is in Providence.

16 S Bankhead discussed the need to save for some capacity projects that merit putting into an impact fee facility  
17 plan, so that the city can acquire money for these projects quicker than they have been. Impact fees are for  
18 capacity projects not for capital facility projects.

19 J Drew discussed accommodating new developments, for example the last Capital Facility Plan was prior to The  
20 Highlands being developed, it took into account 1000 south, which did not have anything around it yet. The Capital  
21 Plan identifies specifics (such as a bridge across Spring Creek). He discussed a conversation he had with Craig Call  
22 about having more specific impact fees based on where the land being developed is located. The capital  
23 development plan took into account infrastructure that has already been built and paid for.

24 K Allen clarified that impact fees are associated with building lots, impact fees are not collected until the building  
25 permit is issued. And once that money is received the city has to do with it what they say they will or the city has to  
26 give that money back.

27 S Bankhead clarified that the City can work with developers so that an impact fee credit is given. One situation  
28 would be that a developer wants to put in a park in their development that could benefit the whole community,  
29 the City could give the developer an impact fee credit for putting in that park. What the executive staff needs from  
30 the Council is the priority of the capacity projects. There is also a time frame issue because once the money is  
31 received for impact fees, they have to used within 6 years. She stressed the importance for the Council to take the  
32 time to decide which projects they want to collect money for, because once money is collected for that purpose it  
33 needs to be used for that purpose or else the money will have to be refunded.

34 J Baldwin asked if there are any deadlines coming up, if there is a possibility of having to return impact fees.

35 S Bankhead stated that all the impact fees collected are being utilized throughout the city for multiple projects. She  
36 also discussed why at the time impact fees were determine 20 years ago, why they were standard across the whole  
37 city, was because the Council and staff felt that the city wasn't large enough to have different impact fee amounts  
38 for the different parts of the city.

39 D Giles asked the amounts for each impact fee and why they are set at that amount.

40 S Bankhead responded that there is currently no sewer impact fee because the bond has been paid off, the water  
41 fee is \$2084 because of the bond still being paid off and the park fee is about \$2365, the set meter is about \$320,  
42 it's whatever the meter costs the city, road impact is \$500.

43 J Baldwin asked if road impact fees need to be increased would the city need to do a study to increase the fee.

44 S Bankhead replied that the city would have to do a study to determine which roads need to be fixed to increase  
45 the fee amount.

46 K Allen asked if the group who is doing the city improvement plan, would be doing an impact fee study as well.

47 S Bankhead stated that that group will not be doing an impact fee study, they will be looking for potential places to  
48 do capacity projects as part of the city improvement plan.

49 K Allen asked if the City could use impact fees to pay for the impact fee study.

50 S Bankhead responded that she thought they could, but she would need to check to make certain.

51 K Allen asked who comes up with the amounts for impact fees.

52 S Bankhead responded that the city would hire a firm to do an impact fee study which would give them suggested  
53 amounts of what to charge for each impact fee, each city's impact fees are different and are very specific and  
54 personalized to that city.

55 J Drew asked what the next step is.

56 R Sneddon stated that there seem to be a lot of hoops to jump through and the further the city growths the less

1 and less attractive those hoops begin to look. He is questioning whether the city is at the point of really needing to  
2 change the impact fees, and whether or not it would be worth the time and effort.

3 S Bankhead stated that it would be worth the time to change at least the water impact fee. At this point, she is  
4 most interested to see where are the areas and the projects that are really important to the Council.

5 J Baldwin responded that he believes the city staff should work together with the Council to come up with a list of  
6 capacity projects, because the staff may see something the Council won't and vice versa.

7 J Drew brought up the potential for growth in the north east side of the city, and the need to take that growth into  
8 account when deciding on these capacity projects.

9 K Allen suggested having a workshop to look at the master plan for the city and to have some ideas of how much  
10 projects would cost. He recognizes that the list Skarlet is asking the Council to create cannot be done in a City  
11 Council Meeting, that will need to be done in a workshop.

12 Mayor Calderwood asked when the Council would like to have a workshop to discuss these capacity projects.

13 R Sneddon reviewed some of the criteria for how impact fee money can be used; it has to be used for a capacity  
14 project and has to be used or the project started within 6 years of receiving the money. He recognizes that those  
15 two criteria will eliminate a lot of projects that the city would like to have done. He sees the first step of this  
16 workshop to have a list of criteria of how impact fee money can and cannot be used.

17 S Bankhead recalled the workshop that was held 6 weeks prior where a list was presented of possible capacity  
18 projects. She felt like that would be a good place to start. She also discussed a workshop to discuss infrastructure as  
19 well. She will be sending out emails to discuss a time for the workshop.  
20

21 **Staff Reports:** Items presented by Providence City Staff will be presented as information only.  
22

23 **Rob Stapley** – Wanted to review two conceptual drawings for a one lane round-a-bout. He asked the engineers to  
24 keep it kind of cheap. Discussion ensued about preferences of round-a-bouts throughout Cache Valley.

25 Mayor Calderwood asked if the Council had decided which concept plan they each liked.

26 J Baldwin liked concept 1 because it affords better visibility, the city could save some money, and if the city has  
27 leftover money somewhere and wanted to spruce it up later on the city could do that, because it is easily modified.  
28 Multiple council members agreed that concept 1 was the preferred option.  
29

30 **Skarlet Bankhead** – Went over invoice register

31 -Building department is very busy

32 -Urban Wild Land Agreement that the state fire marshal is asking each city to commit to. It's not a high dollar  
33 amount they are asking for, it is about educating the public about fires in the wild land areas. Once the city gets on-  
34 board the ad campaign will begin.  
35

36 **Council Reports:** Items presented by the City Council members will be presented as informational only; no formal  
37 action will be taken. The City Council may act on an item, if it arose subsequent to the posting of this agenda and  
38 the City Council determines that the emergency exists.  
39

40 **Jeff Baldwin** –

41 -Can someone order a blind for the door?

42 -By Chase Bank coming out of the Macey's parking lot, some trees need to be trimmed back so that visibility of the  
43 road is better.

44 -He asked why the agenda item he requested was not on the agenda for the meeting?

45 Mayor Calderwood stated that 2 council members can request to have a special meeting, the agenda for city  
46 council meetings is decided by the Mayor and Skarlet. The Mayor chose not to add the requested agenda item to  
47 the agenda.

48 -J Baldwin responded that he felt like it was wrong of the Mayor to dismiss multiple council members request to  
49 add the agenda item.

50 -D Giles responded that he felt like it was wrong of the Mayor as well to dismiss two council members request.

51 -Mayor Calderwood stated that he felt like the request was more political than it was to benefit the city, which is  
52 why he said no to adding the agenda item.

53 -K Allen stated that because two council members had requested a change in the Mayor Pro Tem, there must be a  
54 reason why, and he is asking what their reasoning is to change the Mayor Pro Tem?

55 -J Baldwin stated that K Allen has been serving as the Mayor Pro Tem for the last year and a half, he felt like a  
56 change needs to take place, and that because both J Drew and K Allen are running for Mayor, he felt like J Drew

1 should have the opportunity to be Mayor Pro Tem.  
2 -J Drew stated that in the last 8 years that he has served on the planning commission and the city council, the  
3 Mayor Pro Tem has changed every year, and it has always been a senior council member that has served as the  
4 Mayor Pro Tem, until K Allen was put in as the Mayor Pro Tem a year and a half ago. He felt like that was a political  
5 move by the Mayor.  
6 -D Giles felt like J Drew as a senior council member should have the opportunity to serve as a Mayor Pro Tem.  
7 -J Drew felt like it was time for change, and he would like the opportunity to serve as the Mayor Pro Tem. He also  
8 felt like he has been very accommodating of Councilman Allen and would hope that Councilman Allen would be  
9 accommodating of him as well.

10

11 **R Sneddon –**

12 -He is concerned about the following because it is bound to happen over and over again. How do you shut down an  
13 irrigation system as a development arrives in that location? He would like to see the city come up with some kind of  
14 standard for this situation.

15 J Baldwin agreed with R Sneddon that a standard needs to be developed to help deal with these situations,  
16 because as time goes on less and less people will be using irrigation water and the city will run into the problem of  
17 what to do with irrigation water more and more often.

18

19 **J Drew –**

20 -The city has a truth and taxation public hearing on August 8<sup>th</sup>, what is the city expecting in terms of the public  
21 response?

22 -S Bankhead responded that she expects about 75 people to show up

23 -J Drew asked how the Council is prepared to handle that situation. He would like to show the citizens how  
24 Providence City compares to all other cities in Cache Valley. He will show the citizens that Providence City only  
25 receives \$191 out of the total taxes each homeowner pays. He would like to be able to put things in perspective for  
26 the citizens. He suggests that each Council member take home the information and study it so they can be  
27 prepared for the meeting and to explain to people when they ask council members why they are increasing taxes.

28 -J Drew met with people at EDC Utah, concerning Economic Development in Utah. Providence City is not on their  
29 radar at all, when a business is looking at relocating to Utah they help that business find the best place for them to  
30 relocate to. If Providence wants to grow their commercial district, the city needs to be on EDC's radar, as well as the  
31 Chamber of Commerce.

32

33 **D Giles –**

34 -He asked if the soccer fields are closed for another month.

35 -S Bankhead responded that the fields should just be closed for another week.

36 -He was irritated that the soccer fields were closed for maintenance for a month, it is the worst time of year to  
37 have the fields closed because the kids need to play on the fields.

38 -He also spoke with a woman that is over the Cache Valley Tournament, she was looking for more fields for kids to  
39 play on and she wasn't aware that Providence had 3 soccer fields. He felt like that could be a great way to get  
40 people into Providence and get some tax revenue.

41 -Mayor Calderwood sent out an email that D Giles felt was very unprofessional about getting old.

42

43 **Mayor Calderwood-**

44 -The proposed sales tax increase has been rescinded, they are planning on moving that forward next year.

45 -He has been working with Rob Stapley, Max Pierce and Spring Creek Water Company concerning summer water  
46 rights. So that Providence City can use their water shares for municipal purposes during the summer. He stated that  
47 they are not there yet, but they are working together and everyone seems positive about it.

48 -Aqua Engineering doesn't have anything to present to the Council yet, but hopefully by the end of the first week of  
49 August they'll have something to present.

50 -J Drew discussed a possible wrench in the system, which is the infiltration of storm water into the sewer system,  
51 via sump pumps.

52 -Logan City is building a waste water treatment plant that creates a class 2 discharge, it is possible in the coming  
53 years that that class 2 discharge will no longer will acceptable and Logan City will then be forced to use algae  
54 technology for their waste water treatment.

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56 **Motion to enter into Executive Session made by J Baldwin, seconded by R Sneddon.**

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**Vote**

**Yea:** J Baldwin, J Drew, D Giles, R Sneddon  
**Nay:** None  
**Excused:** K Allen

**Motion to adjourn City Council Meeting, July 18, 2017 made by J Baldwin, seconded by J Drew.**

**Vote**

**Yea:** J Baldwin, J Drew, D Giles, R Sneddon  
**Nay:** None  
**Excused:** K Allen

**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).

Minutes prepared by K Soelberg.

Minutes approved August 8, 2017

Don W. Calderwood, Mayor

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Skarlet Bankhead, City Recorder