

1 **PROVIDENCE CITY COUNCIL MEETING AGENDA**

2 **August 15, 2017 5:00 PM**

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

4  
5 **Call to Order:** Mayor Calderwood

6 **Attendance:** John Drew, Dennis Giles, R Sneddon

7 **Absent:** None

8 **Excused:** Kirk Allen, Jeff Baldwin

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10 The Providence City Council will be interviewing three of the firms that responded to the City's Request  
11 for Qualifications for a law firm or individual to provide city attorney services on a contract basis.

12  
13 5:00 PM Cowdell Woolley.

- 14 • The Council met with Tracy Cowdell and Chad Woolley. T Cowdell and C Woolley reviewed their  
15 firm and the municipal/county clients that they work with. They stressed that even though they  
16 are a consultant, they customize their work to try to be like an employee of the city; being part  
17 of the up-front solution. They are happy to provide training to city staff and council.
- 18 • J Drew reviewed his findings of cases filed in District Court against the City over the past 15  
19 years. T Cowdell and C Woolley felt it was important to be involved with the city in the  
20 beginning rather than being called in after the problems have come about. That is part of why  
21 they want the City to feel like they are an employee.
- 22 • They also work with a sewer special improvement district and one of the large treatment plants  
23 that is located in West Jordan. T Cowdell felt he was very qualified in this area.
- 24 • T Cowdell and C Woolley reviewed their work on inter-local agreements. They felt they worked  
25 on inter-local agreements 3 or 4 times per month.
- 26 • They proposed a setting a flat fee, rather than an hourly rate; based on how much time the City  
27 feels they need. The fee is based off an hourly rate from \$100 - \$150. They do not charge travel  
28 time. The flat fee helps with budgeting and they feel city staff is more likely to call as needed, if  
29 they do not feel like the hourly rate is ticking.
- 30 • The firm's response to the RFP is attached to these minutes.

31  
32 6:00 PM Hillyard Anderson Olsen

- 33 • The Council met with Herm Olsen, R. Christian Hansen, and Andrew Lillywhite. They reviewed  
34 their firm.
- 35 • The Council expressed concern with H Olsen serving on the Logan City Council, there may be  
36 potential for conflict of interest. H Olsen explained the attorney client privilege. He was  
37 confident that he could serve in both positions without conflict. Should the situation arise, he  
38 would recuse himself from voting on Logan City Council. The Council expressed concern that  
39 there would still be a perception of conflict.
- 40 • H Olsen explained he represents other cities as well. When he needs to attend a Providence  
41 Council meeting, he will attend. He explained he left the Logan City Council meeting to be at  
42 tonight's meeting with Providence City.
- 43 • H Olsen explained he and Jonathan Nash would be the main contacts. However, they will use  
44 other members of the firm when their expertise will be helpful.
- 45 • J Drew reviewed his findings of cases filed in District Court against the City over the past 15  
46 years. H Olsen felt he needed more specifics; but felt that being involved on a regular basis,  
47 rather than being called in after the problem has developed would help. Seth Tait felt drafting  
48 good agreements and ordinances, and understanding what is going on in the city, would also be

1 helpful. C Hansen felt calming emotions is also helpful.

- 2 • H Olsen stated he cannot think of a community that has had more public stir, particularly in the  
3 press. But on one level that is good because people get energized. The downside is when the  
4 energy is negative. He felt a legal representative should help defuse not promote negative  
5 hostility.
- 6 • H Olsen also stated that he has worked many years with Olson and Hoggan; they are a very good  
7 firm.
- 8 • The firm's response to the RFP is attached to these minutes.

9  
10 7:00 PM Olson & Hoggan PC

- 11 • The Council met with Miles Jensen, Kevin Fife, and Seth Tait. They reviewed their firm. K Fife is  
12 currently the City's attorney in Justice Court matters. He has also been more involved acting as  
13 city attorney since Craig Call's retirement.
- 14 • K Fife explained he will be the point person for Providence. They explained their firm represents  
15 a multitude of cities. Generally, M Jensen, K Fife, and S Tait handle the municipal work; but have  
16 other attorneys in the firm that they can call on.
- 17 • K Fife addressed the name of Providence in the newspapers. He felt part of it was unfortunate  
18 circumstance, and part growing pains from a city on the rise. The goal of their firm is to help the  
19 City avoid civil litigation. K Fife felt the best way to avoid litigation is for legal counsel to be  
20 involved on the front end. They are also happy to provide training to staff and council.
- 21 • M Jensen explained they try to be proactive. They have a good relationship with David Church  
22 from the Utah League of Cities and Towns and Utah Association of Municipal Attorneys. When  
23 they see changes in the law, they want to be proactive in working with the City on updating  
24 their ordinances.
- 25 • K Fife explained he felt, in light of recent questions from the City, the nuisance ordinances and  
26 animal control ordinances should be looked at. Having clarity in the ordinances makes  
27 everyone's job easier. K Fife felt HR issues were better handled with training. They are difficult  
28 because HR laws are ever changing. M Jensen felt it was important to have good policies in  
29 place.
- 30 • J Drew reviewed his findings of cases filed in District Court against the City over the past 15  
31 years. K Fife felt being on the front end of a problem, finding common ground, and working a  
32 resolution that makes scenes for both parties.
- 33 • The firm's response to the RFP is attached to these minutes.

34  
35 **Executive Session Notice:**

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

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

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

- 42 • No executive session held.

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44 Minutes prepared by S Bankhead.

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46 **Approved 08/22/2017**

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Don W. Calderwood, Mayor

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Skarlet Bankhead, City Recorder