

1 **PROVIDENCE CITY COUNCIL MEETING AGENDA**
2 **October 23, 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: K Allen, K Eck, B Fresz, R Sneddon
9 Excused: D Giles
10 Pledge of Allegiance: Mayor Drew
11 Opening Remarks – Prayer: Chris Hammond
12

13 **Approval of the minutes**

14 **Item No. 1.** The Providence City Council will consider approval of the minutes of October 9, 2018.

15 **Motion to approve the minutes for October 9, 2018 – K Eck, second – R Sneddon**

16 **Vote:**

17 **Yea: K Eck, B Fresz, R Sneddon, K Allen**

18 **Nay: None**

19 **Excused: D Giles**

20 **Corrections:**

- 21 • Page 2 line 4 by the year 2044 at the current rate of price increases
- 22 • Page 2 line 51 and
- 23 • Page 3 line 52 ~~explained~~ **announced**
- 24 • Page 3 line 52 county council just has
- 25 • Page 4 line 1 Rebecca Winstead
- 26 • Page 6 line 1 ~~the~~ signs are most effective when we also have a deputy focus on the area
- 27

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

- 29 • Rob Lieshman voiced his support for the Hillcrest Park. He has lived in the neighborhood for the last 5 years. It has been an eye-sore. Eric Dursteller put together a plan. As a neighborhood and a community, he felt the plan could be saved. He explained the park was given as an open space. He would just like something usable. He felt other plans for the property were concerning. They understand they are not the only ones in need. He felt there was a lot of potential. He tried to buy the property. He has put a minimum of 4 hours a week in maintaining the area.
- 30 • Chris Hammond recently purchased a lot in Hillcrest. He echoed R Lieshman's thoughts. He felt the area was beautiful. He felt that whether a park was simple or grand, it would be beneficial as long as it were presentable and attractive for people who drive by and for the citizens of Providence.
- 31 • Collin Covington lives in Hillcrest. He felt the park was a forgone conclusion. When the plans were being developed the neighbors were involved. He explained there is a lot of growth with many children. He wanted to be able to stay within Providence when visiting parks. He explained there were not many options in the southeast area. He often takes his children out of Providence to visit other parks. They have 30 children that board the bus in their neighborhood. He would like to see a place where children could get out and play.
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47 **Business Items:**

48 **Item No. 1. Resolution 034-2018:** The Providence City Council will consider for adoption a resolution approving the Development and Public Improvement Installation Agreement (Development Agreement) for the Liechty Subdivision, a 2-lot single-family residential subdivision located in the general area of 405 East 300 South, Providence, UT.

49 **Motion to approve 034-2018 – B Fresz, second – K Allen**

50 **Vote:**

1 **Yea: K Allen, K Eck, R Sneddon, B Fresz**

2 **Nay: None**

3 **Abstained: None**

4 **Excused: D Giles**

5 Discussion prior to vote:

- 6 • S Bankhead reviewed the Development Agreement.
- 7 • S Bankhead explained the homes that will be built on these lots sit behind the homes that front 300 E.
8 They will not be required to include street improvements at this time. Because it is only two homes they
9 will have a private driveway that will serve as access.
- 10 • S Bankhead explained they will not be required to extend the water main and utilize the one that was part
11 of the agreement. However, they will install the services into each lot shown on the pre-construction
12 plans. There is a culinary water line along the easement. If the property lines are fenced, they must
13 install gates the width of the water line easement to allow access.
- 14 • S Bankhead explained that for fire protection during the development, weeds, debris and trash need to be
15 maintained. The developer agreed to install a private drive that is approved by the fire authority.
- 16 • The developer agrees to extend a sanitary sewer line and install into each lot.
- 17 • This development requires .90-acre ft of water for indoor use and 3.962-acre ft for outdoor use. For a
18 total of 4.52-acre ft.
- 19 • S Bankhead explained the security performance amount is \$52,810.00 which is 110% of the estimated
20 costs. The warranty bond is 10% roughly \$4,800.00.
- 21 • R Sneddon asked about chapter 8 title 7 if the berm is to be seeded. S Bankhead explained it will have to
22 be stabilized.

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24 **Item No. 2. Resolution 035-2018:** The Providence City Council will consider for adoption a resolution approving the
25 Development and Public Improvement Installation Agreement (Development Agreement) for Providence Hollow
26 Subdivision Phase 3, a 29-lot single-family residential subdivision located in the general area of Spring Creek
27 Parkway and Sarah Street, Providence UT

28 **Motion to approve 035-2018 – K Eck, second – R Sneddon**

29 **Vote:**

30 **Yea: K Allen, K Eck, R Sneddon, B Fresz**

31 **Nay: None**

32 **Abstained: None**

33 **Excused: D Giles**

34 Discussion prior to vote:

- 35 • S Bankhead reviewed the development agreement.
- 36 • The temporary turnaround at the north end of Sara Street shall be constructed as shown on the approved
37 pre-construction plans.
- 38 • The 66ft that serves as Sara Street is the additional easement. It is a public easement and necessary to
39 give access for vehicle turnaround, emergency vehicles, snowplows and garbage trucks.
- 40 • The developer agrees to install 525 North as shown on the pre-construction plans.
- 41 • The culinary water improvements are standard.
- 42 • S Bankhead reviewed and explained that the fire protection report will be on file. Because specific lots in
43 this development fall in the sensitive areas that will require a conditional use permit prior to receiving a
44 building permit.
- 45 • The indoor water requirement is 13.50 acre ft. of water and the outdoor requirement is 25.14acre ft. for a
46 total of 38.19 acre ft.
- 47 • Street lighting and street signs will be required for this development.
- 48 • The temporary turnaround for this development has not yet been recorded. The legal description and
49 how it will be constructed will be on the final plat.
- 50 • The performance security amount is \$675,400.00. This amount may change slightly with the construction
51 drawings. The amount required for the warranty bond is \$61,400.00.

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2 **Item No. 3. Resolution 036-2018.** The Providence City Council will consider for adoption a resolution approving
3 and entering into an Amended and Restated Interlocal Agreement creating the Utah Local Governments Trust.

4 **Motion to approve 036-2018 – K Allen, second – K Eck**

5 **Vote:**

6 **Yea: K Allen, K Eck, R Sneddon, B Fresz**

7 **Nay: None**

8 **Abstained: None**

9 **Excused: D Giles**

10 Discussion prior to vote:

- 11 • S Bankhead reviewed and explained the agreement.
- 12 • She explained this agreement is related to the bonds that may or may not be required for public officials.
- 13 • The original Interlocal Agreement was created in 1982. S Bankhead explained a copy of the resolution
- 14 from 1982 was requested but was not available.
- 15 • This resolution is to approve the agreement with the Interlocal Governments Trust.
- 16 • The trust provides criminal fraud coverage which takes the place of individual bonds for public service
- 17 officials.
- 18 • Mayor Drew explained the trust only insures municipal and county governments. Many city governments
- 19 are insured through the trust.
- 20

21 **Item No. 3a. Ordinance No 2018-011 Code Amendment:** The Providence City Council will consider for adoption an
22 ordinance amending Providence City Code 10-8-5: Commercial Zoned Districts-Site Development. This amendment
23 requires a preconstruction meeting before beginning construction on a commercial site plan.

24 **Motion to approve 2018-011 –B Fresz, second – R Sneddon**

25 **Vote:**

26 **Yea: K Allen, K Eck, R Sneddon, B Fresz**

27 **Nay: None**

28 **Abstained: None**

29 **Excused: D Giles,**

30 Discussion prior to vote:

- 31 • S Bankhead explained that the next four items on the agenda are code amendments. She stated that it
- 32 started out modifying city code 10-9-4. As changes were made they had ripple effects that fell into the
- 33 other ordinances.
- 34 • The main goal is to improve understanding of the mandatory approvals and the stages that are required
- 35 with a subdivision. It was to provide information and explain to the developer their true responsibilities.
- 36 • S Bankhead felt it made more sense to separate the four ordinances for better clarification even though
- 37 all four are interrelated.
- 38 • Mayor Drew felt it was good housekeeping to have ordinances spell it out because of the volume of
- 39 development that has occurred in the city.
- 40

41 **Item No. 4. Ordinance No 2018-012 Code Amendment:** The Providence City Council will consider for adoption an
42 ordinance amending Providence City Code 10-9-4: Frontages: Curb, Gutter, and Sidewalk. This amendment
43 requires frontage improvements when building a primary structure on a parcel that is not part of a subdivision.

44 **Motion to approve 2018-012 – B Fresz, second – K Allen**

45 **Vote:**

46 **Yea: K Allen, K Eck, R Sneddon, B Fresz**

47 **Nay: None**

48 **Abstained: None**

49 **Excused: D Giles**

50 Discussion prior to vote:

- K Eck asked for clarification about whether this ordinance was specifically for commercial construction. S Bankhead explained this is for any developments but will be on a case-by-case basis. There was nothing in place to allow for case-by-case situations; therefore, the ordinance is being amended.

Item No. 5. Ordinance No. 2018-013 Code Amendment: The Providence City Council will consider for adoption an ordinance amending Providence City Code 11-3-3: Subdivision Regulations, Final Plat. This amendment requires that the Storm Water Pollution Prevention Plan (SWPPP) and the engineer's cost estimates be submitted with the final plat and construction drawings.

Motion to approve 2018-013 – K Eck, second – R Sneddon

Vote:

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

Nay: None

Abstained: None

Excused: D Giles,

Discussion prior to vote:

- S Bankhead explained even though most of this is covered under the EPA requirements for storm water the city felt it was important to put the text in the subdivision ordinance.

Item No. 6. Ordinance No. 2018-014 Code Amendment: The Providence City Council will consider for adoption an ordinance amending Providence City Code 11-5: Subdivision Regulations, Public Improvements. Amendments include but are not limited to the following:

Requires all storm water (excluding finish grades and landscaping), water, sewer, and other improvements that may be deemed necessary minimum improvements. Requires all testing results and redline drawings be submitted to the City prior to the minimum improvement inspection. Prohibits the installation of asphalt prior to the minimum improvement inspection. Clarifies the following mandatory approval stages: preconstruction, minimum improvements, substantial completion, final and warranty. Requires security bonds be increased if the actual bid is higher than the engineer's estimates.

Motion to approve 2018-014 – B Fresz, second – R Sneddon

Vote:

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

Nay: None

Abstained: None

Excused: D Giles

Discussion prior to vote:

- R Stapley explained that the most pertinent information in this ordinance is that no asphalt shall be put down prior to a minimum improvement inspection. He explained that before this ordinance all that was required was a hard surface to support emergency service vehicles. If the underground utilities have been put in and the asphalt has been laid without an inspection, and a problem arises, it could create a very expensive issue. This ordinance accomplishes the goal of having the inspection.
- K Allen feels this puts the responsibility on the developer.
- S Bankhead explained that another important piece of this ordinance is that storm water will be part of the minimum improvements.

Motion to enter into an executive session – B Fresz, second – K Eck

Vote:

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

Nay: None

Abstained: None

Excused: D Giles

Mayor Drew announced that the council was back in regular session.

Item No. 7. Discussion: The Providence City Council will discuss accessory dwelling units.

- Mayor Drew reviewed his memo on accessory dwelling units. He discussed permitted vs. conditional use. He also discussed size limitations and height restrictions. B Fresz felt that lot topography may impact height. Parking was discussed. Utilities were discussed; separate meters would pay all standard fees.
- B Fresz felt they should be permitted; zoning and lot size would dictate size. He and K Eck felt building height should be regulated by the zone of the neighborhood. B Fresz did not feel additional parking should be required if parking was already provided. The parking will self-regulate.
- Permitted Use – use language in blue text
- ADU size – less than 50% with no maximum
- ADU height – city code by zone
- ADU parking – no additional parking requirements

Item No. 8. Discussion: The Providence City Council will discuss the procedures for acquisition and disposition of property.

- C Woolley reviewed the state code and city ordinance on land acquisition. The State Code 10-8-1 General Powers section gives municipalities the authority to acquire and dispose of property. Providence City Code identifies a significant parcel of property as having a value of at least \$25,000. The Council then decides how they would like to dispose of the property. Buying or selling property has to be for reasonable value. Reasonable value is established by appraisal. The negotiation is under the direction of the council.
- K Allen suggested looking at bonding in the future. S Bankhead explained that a general obligation bond would need a vote by the citizens. She stated there are a lot of people who would not vote for it.

Item No. 9. Resolution 036-2018 Bid Award. The Providence City Council will consider for adoption a resolution awarding the bid for the Hillcrest Park Improvement Project Phase 1 - Grading.

Motion to approve 036-2018 awarding the bid to Legrand Johnson – K Eck, second – R Sneddon

Vote:

Yea: K Allen, K Eck, R Sneddon,

Nay: B Fresz

Abstained: None

Excused: D Giles

Discussion prior to vote:

- R Stapley reviewed the bids and bid items. He stated there were 5 bids with the lowest coming from Legrand Johnson.
- K Eck asked why the city was putting a sump in the bottom and felt the developer should be responsible. R Stapley explained that the developer dug a retention pond that can handle a 100-year storm event. R Stapley was unsure if it was built per the design. S Bankhead explained that the city was concerned with the percolation rate due to the risk of water being in it with young children around.
- S Bankhead reported she has family members who work for Legrand Johnson.
- Ashley Poole does not feel that now is the time to sell for building lots. She felt the south end needs a regional plan, but sees that further down the road. She reported that she has people who are willing to donate the amenities for their specific needs, but not toward the land acquisition for a regional park. She explained that she runs a youth lacrosse league. She feels there are many who are willing to make a lacrosse area happen.
- K Eck explained that she is for a regional park, but did not feel a regional park would necessarily provide the amenities a neighborhood park would.
- K Eck explained the Council has allocated the money.
- Garret Smith explained he lives on the street directly to the south of the proposed park and has two small boys. He is grateful the council is concerned about costs. He feels this is a great way to preserve green space for the children in the area.
- Mayor Drew explained that the neighbors insisted on larger lots in the Sierra Homes development rather than a park. G Smith stated that his recollection is that a park was requested but they were told there were no funds. He feels the money and land are there so a park should be built.

- 1 • David Hendrickson lives in the Hillcrest Subdivision and all the kids would really enjoy a park.
- 2 • Many of the audience member reported that they use the Millville and Logan Parks.
- 3 • Roy Hansen reported that there was a group of people who wanted the Hillcrest Subdivision to be built on
- 4 larger lots. There were many meetings about the small lots. He was told that the subdivision would be
- 5 one-acre lots. However, a court stated that they would be quarter-acre lots. He felt the green space was
- 6 an incentive to allow the smaller lots.
- 7 • K Allen remembered the discussion of quarter-acre vs one-acre. He felt strongly that quarter-acre lots
- 8 allowed more families to live in the area. However, he felt a park was a good place to have their children
- 9 play that is not their back yard.
- 10 • Teddy Pate reported that she has three small children and was very happy to know there was a nearby
- 11 park. She felt a park promoted community. She felt the French drain should be installed regardless of the
- 12 park to reduce the water in the pond quicker.
- 13 • R Lieshman agreed with the retention pond but feels taking it out of the park fund is cheating. He
- 14 appreciated the quarter-acre lots; it allowed him to move to Providence.
- 15 • Mayor Drew reported that the 400 S Main park cost \$22,000 for grading.
- 16 • Emily Johnston lives in Hillcrest and has two little boys. Many of the children play in the street because
- 17 the individual yards are not big enough for all of them. She expressed concern with a pothole on 800
- 18 South.
- 19 • B Fresz asked how much people would be able to pay per year for a park. Creating a homeowner's
- 20 association was discussed. He explained the grading, sprinkler system, and lawn amounted to about
- 21 \$3,000 per lot based on 60 lots. K Eck stated that HOA's should be set up with the subdivisions but has
- 22 been told it does not work. It is very expensive and time consuming to do. Mayor Drew explained the
- 23 reason it does not work is because it is not in the city ordinances.
- 24 • Mayor Drew encouraged people to use the small parks. He was disappointed in the lack of use.
- 25 • A Poole explained the regional park gets the use. She asked why developers did not have to provide parks.
- 26 Mayor Drew explained Providence City chose to use impact fees. His concern was that the City did not
- 27 have a plan for parks.
- 28 • K Eck asked the council to reconsider an ordinance to require developers to develop parks in their
- 29 subdivisions.
- 30 • S Bankhead explained that by law the city cannot ask developers to exact property and that is why the
- 31 City chose to go with the impact fees. K Eck explained that if the ordinance was changed then we could
- 32 ask developers to provide parks.
- 33 • C Hansen asked about the benefits of an HOA. She explained that she lived in an HOA community and
- 34 paid \$1200.00 per year and had outstanding amenities.
- 35 • A Poole explained that where a trail system exists, people use it.
- 36 • K Eck thanked those who attended the meeting and said she appreciated their comments.

37
38 **Staff Reports:** Items presented by Providence City Staff will be presented as information only.

39 R Stapley, Public Works Director:

- 40 • Baur Ave. grading is happening now; asphalt to follow soon.
- 41 • Division of Drinking Water will be doing an audit on November 1.
- 42 • All meters will be radio read by the last part of next year.
- 43 • Leaf pick up will continue until the snow buries them.

44 S Bankhead, Administrative Services Director:

- 45 • S Bankhead reported that Shari Phippen will be leaving November 1.
- 46 • K Eck asked about exit interviews. B Fresz suggested a third party conduct the interview.
- 47 • Staff reviews were discussed.
- 48 • S Bankhead reported that there are openings. She explained that the problem they are encountering is
- 49 people not wanting to work the hours that are required.

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51 **Council Reports:** Items presented by the City Council members will be presented as informational only; no formal

52 action will be taken. The City Council may act on an item, if it arose subsequent to the posting of this agenda and

1 the City Council determines that an emergency exists.

- 2 • Mayor Drew will report on the street maintenance progress in the next newsletter.
- 3 • K Allen expressed concern with Canyon Road and the alligator surface.
- 4 • B Fresz discussed the Broad Hollow Improvements. He felt \$150,000 to improve Broad Hollow would be a
- 5 good use of funds. R Stapley explained that he likes the idea but has some concerns.
- 6 • Mayor Drew reported on a meeting with Nathan Dawgs. He will be meeting with irrigation companies.
- 7 • K Eck asked for an update on the nomination for a member of the board with Spring Creek Water
- 8 Company. B Fresz stated this will happen in December.
- 9 • K Allen reminded the council of the bylaws.
- 10 • Mayor Drew reported that the city's website is under construction. We will be using muni-code.
- 11 • Macey's lease will be up in two years.
- 12 • Mayor Drew reported that a developer would like to put high end apartments east of Macey's.
- 13 • Mayor Drew reported that the Boundary Commission turned down Josh Barnett's annexation request.
- 14 • Mayor Drew reported that the Cache Summit is November 15th.
- 15 • Mayor Drew reported that K Eck knows a daycare provider who is looking for a commercial building.
- 16 • Mayor Drew will send a letter to D Thompson and the Spendloves.
- 17 • Mayor Drew explained that by December 1, we need to have a signed agreement with Logan City on Fire
- 18 and Emergency Services. The County should have a master plan for the whole county by the end of the
- 19 year.

20
21 **Motion to enter into an executive session – K Allen, second – B Fresz**

22 **Vote:**

23 **Yea: K Allen, K Eck, R Sneddon, B Fresz**

24 **Nay: None**

25 **Abstained: None**

26 **Excused: D Giles**

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29 **Executive Session Notice:**

30 The Providence City Council may enter into a closed session to discuss pending or reasonably imminent litigation as

31 allowed by Utah Code 52-4-205(1)(c).

32 The Providence City Council may enter into a closed session to discuss professional competence or other factors

33 allowed by Utah Code 52-4-205(1)(a).

34 The Providence City Council may enter into a closed session to discuss land acquisition or the sale of real property

35 Utah Code 52-4-205(1) (d) and (e).

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38 **Motion to adjourn B Fresz–, second – R Sneddon**

39 **Vote:**

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

41 **Nay: None**

42 **Abstained: None**

43 **Excused: D Giles**

44 Meeting adjourned approximately 10:14 PM

45 Minutes prepared by Mindi Petersen

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49 _____
John Drew, Mayor

_____ Skarlet Bankhead, City Recorder