

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

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5 Opening Ceremony:

6 Call to Order: Mayor Drew  
7 Roll Call of City Council Members: Mayor Drew, D Giles, K Eck, R Sneddon, K Allen, B Fresz  
8 Pledge of Allegiance:  
9 Opening Remarks – Prayer:

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11 **Approval of the minutes**

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

13 **Motion to approve the minutes for October 23, 2018 B Fresz –, second – D Giles**

14 **Vote:**

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

16 **Nay: None**

17 Excused:

18 Corrections:

- 19 • Page 1 line 35 concerning **disconcerting**
- 20 • Page 7 line 6 Nathan Daug

21  
22 **Public Comments:** Citizens may appear before the City Council to express their views on issues within the City’s  
23 jurisdiction. Comments will be addressed to the Council. Remarks are limited to 3 minutes per person. The total  
24 time allotted to public comment is 15 minutes. The City Council may act on an item, if it arose subsequent to the  
25 posting of this agenda and the City Council determines that an emergency exists.

- 26 • Sheree Ostler of Providence explained that there is a growing concern with the amount of distracted and  
27 dangerous driving. She and the other crossing guards are looking for a solution to keep the children and  
28 themselves safe. She feels more education and officers present would help. She also suggested taller  
29 orange cones and flashing stop signs would be beneficial. The times of concern are in the morning, when  
30 kindergarten gets out, and after school. She wishes there was a better way to record the license plate  
31 numbers of violators. She feels it is not a matter of if, but when, someone will be hit. She feels the  
32 situation is very serious.
- 33 • K. Eck asked if the Sheriff's Office can do anything with license plate numbers of violators without the  
34 sheriff being there.
- 35 • K. Allen suggested flashing signs and signs that display vehicle speed. He suggested that he could come  
36 down to observe the areas in question.
- 37 • K Eck thanked the crossing guards for their hard work and keeping the children of Providence safe.

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39 **Public Hearing(s):**

40 **Item No. 1. (6:15 PM) Annexation Policy Plan:** Prior to making a decision on revising its Annexation Policy Plan,  
41 the City Council is holding a public hearing. The purpose of the public hearing is to provide an opportunity for  
42 anyone interested to comment on the revisions before action is taken. The City Council invites you to attend the  
43 hearing in order to offer your comments.

- 44 • Cindy Shaw, River Heights City Planning Commission, read the attached letter from Mayor Todd  
45 Rasmussen.
- 46 • Mayor Drew explained that during previous discussions with River Heights, the understanding was that  
47 the Church property and the Chugg property would go to whichever city developed the area. He explained  
48 that overlaps in annexation plans are common, and that the existence of a plan does not mean that the  
49 annexation will move forward.
- 50 • S. Bankhead explained that the Annexation Policy Plan opens the door for both municipalities to decide if  
51 a boundary adjustment would be beneficial. She said that the city did give notice to the affected entities  
52 before the public meeting of the Planning Commission, and before the public hearing.

- 53 • David Hair, Millville City Mayor, explained that he is okay with the plan.
- 54 • Erla Faye Fryer of River Heights was frustrated that she just found out about the plan.
- 55 • Mayor Drew explained that the property owner would need to request annexation before annexation
- 56 would actually occur. The plan does not mean that an annexation will occur.
- 57 • S. Bankhead explained that in a boundary adjustment, both cities have to agree to the terms.
- 58 • B Fresz suggested including the Utah State University property along SR 165. This property is currently
- 59 incorporated into Millville and zoned commercial.
- 60 • K Allen reported that property owners along SR 165 would like to see the property zoned commercial.

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62 **Business Items:**

63 **Item No. 1. Discussion:** Sheriff Chad Jensen will discuss the services provided by the Cache County Sheriff's Office.

- 64 • Sheriff Chad Jensen stated he agreed with the concerns that the crossing guards have. He explained that
- 65 there are approximately 50 school crossing zones under the Sheriff's Office patrolling area. He expressed
- 66 concern that schools are built on high traffic roads. He reported that he went to Millville Elementary
- 67 School, parked with his lights on and just observed. He feels that this is an effective way to remind people
- 68 of school zone speed limits. He explained that with the amount of time to write a citation, the deputy can
- 69 be tied up for a large amount of the crossing time on one or two vehicles. He felt that presence and lights
- 70 would be more effective than writing one or two tickets. Sheriff Jensen explained that they can write a
- 71 ticket even if the deputy does not see the violation, but the crossing guard must be willing to sign as the
- 72 witness, identify the driver, etc. Most crossing guards have not been willing to do this in the past. He
- 73 explained that he just does not have enough deputies to cover all school crossings.
- 74 • Sheriff Jensen felt the traffic dispersion from Spring Creek Parkway is getting better.
- 75 • Sheriff Jensen explained that there is only one cross walk in the unincorporated area. He reported that
- 76 Canyon Elementary has a teacher helping with the drop-off points.
- 77 • Mayor Drew felt that parents, school administration, City, and Sheriff's Office need to be involved in the
- 78 solution.
- 79 • K Allen felt there could be improvements with the buses at Spring Creek Middle School.
- 80 • Sheriff Jensen said that in his experience flashing speed signs are an invitation to speed, especially for
- 81 teenagers. He suggested covert cameras in order to track speeds and analyze problem areas and times.
- 82 • B Fresz asked where most of the accidents occur in Providence. Lt Bartchi reported that the reports do not
- 83 show any one place. Lt Bartchi reported they are concerned about the volume on Gateway Drive, but
- 84 have not seen the accidents in Providence City.
- 85 • Mayor Drew explained that the vehicle that was hit in Logan was not speeding. A woman was thrown
- 86 from the vehicle and was killed. The person who hit the vehicle stopped, looked and proceeded, thinking
- 87 it was a 4-way stop. Mayor Drew said the main problem is distracted driving.
- 88 • K Allen volunteered to head up a committee to bring together the different interest groups and try to find
- 89 a solution.

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91 **Item No. 2. Resolution 038-2018:** The Providence City Council will consider for adoption a resolution appointing

92 Pat Perry to the Providence Historic Preservation Commission.

93 **Motion to approve 038-2018 – K Eck, second – R Sneddon**

94 **Vote:**

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

96 **Nay:**

97 **Abstained:** None

98 **Excused:** None

99 Discussion prior to vote:

- 100 • Pat Perry explained that she taught school for 49 years. She lives in a historic home and enjoys history.
- 101 She felt that there was a lot to do. She felt it important that the community keep its identity. The identity
- 102 is found in the history.
- 103 • Mayor Drew explained that there are also historical artifacts that people have in their closets or in
- 104 storage.

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**Item No. 3. Resolution 039-2018 Annexation Policy Plan:** The Providence City Council will consider for adoption a resolution adopting the Annexation Policy Plan Revised 2018 and associated map and adding it to the General Plan.

**Motion to approve 039-2018 – K Allen, second – R Sneddon**

**Vote:**

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

**Nay:**

**Abstained: None**

**Excused: None**

Discussion prior to vote:

- S Bankhead explained that the grammar can be corrected once the resolution passes.
- B Fresz suggested adding the University property. He felt it made it less of an arduous process.
- S Bankhead read UCA 10-2-401.5(3), explaining that the Council is allowed to make adjustments to the Plan before voting on the resolution.
- K Allen felt it made sense to include the University property in the plan.
- K Eck felt the plan should stay as is.
- D Giles felt the plan should stay as is.

**Motion to approve Resolution with the following modification: that the USU property is included – K Allen, second – B Fresz.**

**Vote:**

**Yea:** K Allen, B Fresz,

**Nay:** K Eck, R Sneddon, D Giles

**Abstained: None**

**Excused: None**

**Motion to approve as shown and written – K Eck, second – R Sneddon**

**Vote:**

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

**Nay:**

**Abstained: None**

**Excused: None**

**Item No. 4. Discussion:** The Providence City Council will discuss accessory dwelling units.

- R Sneddon expressed concern with not requiring additional parking, especially in snowy conditions.
- B Fresz felt there may be enough parking with the original residence. R. Sneddon felt that if this is the case, an applicant should have to provide evidence of sufficient parking in their application.
- Mayor Drew explained that property owners may be less likely to consider an accessory dwelling unit if there are parking regulations. We want to encourage accessory dwellings. The city will submit a moderate income plan, and must report how restrictive our ordinances are about accessory dwelling units. Mayor Drew added a provision to the plan that requires the mayor and city staff to report to the City Council the number of building permits issued for accessory dwelling units during the previous calendar year. The city council can use this report to gauge the success of the regulations.
- B Fresz expressed concern with the rule restricting the size of the accessory dwelling unit to 25% of the back yard area. K Eck felt it could be taken out, and we could simply follow the offsets for the zones.
- K Allen liked the draft as written.
- K Eck is not opposed to a "tiny home" as an accessory dwelling unit. She felt the term "tiny home" is a general term that is not well-defined. K Allen agreed.
- R Sneddon referenced section 10-13-15 D. He was concerned that the language "facilities are adequate" is undefined. S. Bankhead says the building code addresses this issue. R. Sneddon felt that the building code should be referenced in the ordinance. K Eck said that Providence City Code 10-13-11 covered the concern.

- 156 • R Sneddon questioned the statement that having an owner on the property reduces the likelihood of
- 157 nuisance.
- 158 • Mayor Drew explained that part of the reason for this language is to reduce the concerns of the neighbors
- 159 that the whole property will be a rental.
- 160 • B. Fresz questioned the term "manufactured homes." He felt that that was a building method. The term
- 161 should be mobile home. He also felt that most "tiny homes" are mobile. The idea is to prohibit mobile
- 162 homes, not small or manufactured homes.
- 163 • Mary Hubbard of Providence felt that the number of residents in an accessory dwelling unit should be
- 164 regulated. She agreed with R. Sneddon on the parking. She also agreed with K Eck on the "tiny home"
- 165 wording.
- 166 • Mayor Drew asked if there are any restrictions on the number of residents in an owner owned and
- 167 occupied dwelling.
- 168 • D. Giles said that the only limitation is that a room must have 70 sq ft.
- 169 • Mary Hubbard said that her chief concern is with large numbers of unrelated residents, not large families.
- 170 • S. Bankhead said that State code limits occupancy to four unrelated persons.
- 171 • Mayor Drew was concerned that limitations would be difficult to enforce.
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173 **Item No. 5. Discussion:** The Providence City Council will discuss a proposed agreement for fire protection  
 174 between the City of Logan and Providence City.

- 175 • Mayor Drew reported that the agreement has a graduated payment schedule that is to the City's
- 176 benefit. He also spoke with the County, and reported that they cannot move forward with a joint fire
- 177 station between Millville, Nibley and Providence until the other cities are on board. Mayor Drew is
- 178 concerned that the five-year term of the agreement with Logan City will interfere with working with the
- 179 County, and said he will try to reduce the term of the agreement. He also reported that he spoke with
- 180 Chief Hannig about the Fire Inspector position. Mayor Drew felt a job description could be written so the
- 181 Fire Inspector position would also do code enforcement and building permit approval and inspections.
- 182 Mayor Drew will create the job description.
- 183 • K Allen questioned whether there would be enough people who were qualified and interested in the
- 184 position. Those on URS retirement plans may be less likely to apply, because of restrictions related to that
- 185 plan. It might be easier to hire from out of state. After some discussion, Mayor Drew felt that there was
- 186 no harm in creating the position, and attempting to find qualified applicants.
- 187 • Service to Millville and Nibley was discussed. They are currently contracting with Hyrum, but Hyrum pays
- 188 the County for two full-time firefighters. K Allen felt it was unfair that all county residents pay for fire
- 189 coverage for Millville and Nibley.
- 190 • Mayor Drew said that the ideal situation would be having one agency for all of Cache County.
- 191 • Mayor Drew will get a revised agreement to present to the Council. He would like a 3-year agreement
- 192 rather than a 5-year agreement. B Fresz agreed that a five year contract would make things difficult.
- 193 Mayor Drew will follow up with the County and Logan City about reducing the term of the agreement.
- 194 • B. Fresz suggested that the City could do a five-year agreement with the condition that there would be an
- 195 opt-out clause allowing the City to give 12 month's notice and exit the agreement if the County offered a
- 196 different solution.
- 197

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

199 R Stapley, Public Works Director:

- 200 • R Stapley reported that Jason Hamblin is working on the application for the VW Settlement. This is a
- 201 matching award requiring a 50% match. We do not have very many vehicles that fit the criteria. R Stapley
- 202 explained that some of the older equipment still performs very well. The 10-Wheeler is a good example; it
- 203 runs very well. To replace it would cost approximately \$250,000. The '90 and '92 plows definitely fit the
- 204 criteria. His original intent was to replace the two one-ton trucks which are year 2001s. We have money
- 205 budgeted for it, but we put it on hold because of the VW settlement. He said the Vector truck is in pretty
- 206 good condition, and it fits in the storage area. He also expressed concerns that some of the new vehicles

207 would be too long to fit in the Public Works garage. The VW settlement application is due at the end of  
208 the month, and if we applied for everything we should apply for, that would be \$1.1 million worth of  
209 vehicles. The City would need to spend \$550,000. We have \$110,000 budgeted already. R Stapley  
210 explained that if awarded, the old vehicles must be taken completely out of service. K. Allen and Mayor  
211 Drew encouraged R. Stapley to continue getting bids and preparing for the application.

- 212 • R. Stapley reported that the City passed its sanitary survey.
- 213 • R. Stapley reported that we put cameras in about one-third of the City sewer system.
- 214 • R. Stapley reported that we are behind on storm water maintenance, but that the city engineer has  
215 prepared a Storm Water Master Plan that he will present to the Council in December.

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217 S. Bankhead, Administrative Services Director:

- 218 • Jesse Bardsley hired to replace Connie.
- 219 • April passed the Registered Storm Water Inspector test.
- 220 • We are still hiring.
- 221 • We received a lot of invoices this month, but we are within the budget on the line items.
- 222 • The audio and video equipment was discussed. The video of the Council sessions and the TVs in the  
223 Council room are not working properly. The mayor will follow up with the service provider.

224  
225 **Council Reports:** Items presented by the City Council members will be presented as informational only; no formal  
226 action will be taken. The City Council may act on an item, if it arose subsequent to the posting of this agenda and  
227 the City Council determines that an emergency exists.

- 228 • K Allen reported that his wife's recovery has improved and she will be home tomorrow.
- 229 • Mayor Drew reported there is a 1/10 acre property valued at about \$200,000 that could be sold as  
230 surplus. There are also other odds and ends that the city could sell.
- 231 • Mayor Drew explained the City's cash account position. The water, sewer, and storm water funds are  
232 enterprise funds. We have money set aside to replace what is already in the ground. However, there is no  
233 similar mechanism to fund streets. He looked at restricted and unrestricted money. The General Fund has  
234 restricted money. There is money in the Capital Project Fund; last year it was decided that we would start  
235 setting aside money for the cost of replacing roads; the estimate for the total cost is \$120 million. We only  
236 have about \$1 million in the Fund. He explained there are many good projects competing for the money.  
237 Some cities have implemented a street fee. This is not a tax, but rather a user fee. He also explained that  
238 current year revenue is spent during the current year. He asked the Council to consider all of the  
239 improvements that they would like to make for the citizens of Providence, including improving the roads,  
240 and the need to raise money for these improvements.
- 241 • Gary Stauffer asked why old roads in the Cherry Wood area have not been improved. Mayor Drew  
242 explained that the City had the road analysis completed by engineers. We are following the advice in the  
243 analysis.
- 244 • K Allen suggested bonding for roads. Mayor Drew felt that there are many other projects that could be  
245 bonded, not just roads, and noted that bonds would need to go on the ballot.

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247 **Motion to enter an executive session – B Fresz, second – R Sneddon.**

248 **Vote:**

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

250 **Nay: None**

251 **Abstained: None**

252 **Excused: None**

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254 **Executive Session Notice:**

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

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

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

261 **Motion to close the executive session – B Fresz, second D Giles**

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263 **Motion to adjourn –B. Fresz , second –K Allen**

264 **Vote:**

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

266 **Nay:** None

267 **Abstained:** None

268 **Excused:** None

269 Meeting adjourned approximately 9:58 PM

270 Minutes prepared by Mindi Petersen/Jesse Bardsley

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274 \_\_\_\_\_  
John Drew, Mayor

\_\_\_\_\_ Skarlet Bankhead, City Recorder

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