

1 **PROVIDENCE CITY COUNCIL MEETING MINTUES**

2 Wednesday February 21st, 2024, 6:00 PM

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

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5 To view the video recording of the meeting please visit our YouTube channel found [HERE](#).

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7 **HR. MIN. SEC.** in green are timestamps of the video recording.

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9 To view the monthly financial statements of the city please click [HERE](#).

10
11 **Opening Ceremony:**

12 Call to Order: Mayor Alder

13 Roll Call of City Council Members: Mayor Alder – Council Members Kunz, Kirk, Sealy, Speth & Nebeker

14 Staff in Attendance: City Manager Ryan Snow, Community Development Director Skarlet Bankhead, Public
15 Works Director Rob Stapley and City Recorder Ty Cameron (Via Zoom).

16 Pledge of Allegiance: Mayor Alder

17 Opening Remarks/Prayer: Council Member Kunz

18
19 **3 MIN. 15 SEC.**

20 **Council Reports:** Items presented by the City Council members will be presented as informational only; no
21 formal action will be taken.

22
23 Council Member Kirk:

- 24
- 25 • Expressed gratitude to the staff for their work on the new code and amendments and the effort they
26 put into making the City Council’s jobs easier.
 - 27 • Attended the Day at the Legislator event with the Youth Council, Council Member Kunz and
28 Mayor Alder. Has set up plans for the Youth Council to attend the Utah State Leadership
29 Conference coming up in March.
 - 30 • Easter Egg Hunt hosted by the Youth Council will be held on March 30 with more information to
31 come in the newsletter and social media. Acknowledged that last year's event was canceled due to
32 snow so they are hoping this year they will have good weather. They will be hosting two hunts,
33 one at 11 am and one at noon.

34
35 Council Member Sealy:

- 36
- 37 • Is working with Courtney Flint and Utah State University on a well-being survey to gather
38 feedback from all residents to better establish the Healthy Cities Coalition and improve the quality
39 of life in Providence. The survey aims to gather information from different demographics within
40 the city, allowing for the setting of goals and plans for the city's citizens.
 - 41 • Also worked with the Legislative Policy Committee (LPC) within the Utah League of Cities and
42 Towns organization and collaborated with Ryan Snow and Mayor Alder to understand some
43 current bills and finance tools that will affect the city and its residents.
 - 44 • Attended a broadband networking meeting in Lehi with Ryan Snow, where they met with various
45 municipalities to discuss various projects and concerns regarding fiber.

- 46 • Attended the Governor's Office of Economic Opportunity meeting and appreciated the
47 infrastructure and network they provide as well as access to information nationwide. Also attended
48 the Blacksmith Fork Irrigation Annual meeting and was impressed by the packed room. They are
49 looking forward to being able to stream meetings in the future.
- 50 • Was part of the Elected Officials Board that went to Ridgeline High School where they did a Q&A
51 with students who wanted to know more about city and local government.

52 Council Member Speth:

- 53 • Expressed gratitude to the Public Works Department for the good conditions of the road and for
54 the clearing of the recent snowstorm. Noted that another bus driver in Providence praised the plow
55 drivers for their excellent work that made his routes easier.
- 56 • Mentioned a new bill that if passed would increase the violation of running a red light or stop sign
57 on a bus. The first offense would result in a \$1,000 fine and 20 days of community service. The
58 second offense would result in a \$2,500 fine and 20 days of community service. The third offense
59 would result in a \$3,500 fine and 40 days of community service.
- 60 • Stated that the Utah Transit Riders Union, a nonprofit organization advocating for the needs of
61 current and future transit riders, were inviting people starting May 20th to participate in a seven-
62 day challenge to take buses and transit to improve public transportation efficiency.
- 63 • CERT Training is underway and is currently being offered in various cities, starting in Smithfield,
64 North Logan and one will be in Hyrum. Citizens Emergency Response Teams are trained in
65 disaster scenarios, such as earthquakes and floods, to fill various roles and assess home conditions.
66 They help people determine if their homes are habitable and ensure they can continue to live in
67 them. CERT Training also helps with floods and other disasters, such as Logan City's slide over
68 on Canyon Road. CERT take care of food and organization, ensuring that the emergency response
69 team is organized and efficient. Overall, these citizen emergency response teams provide valuable
70 training and support for disaster management and disaster recovery. For more information you can
71 call the cities who are hosting the training.
- 72 • HAM Radio licensing day is coming up for those interested in getting their HAM Radio license.

73 Council Member Nebeker:

- 74 • Attended the Cache School District meetings which he found enjoyable, especially as it relates
75 more to his daytime job. Noted that it was interesting to observe the school board's process of
76 increasing their pay, which was similar to the way the city does it. The board increased their own
77 pay from \$350 to \$750 a month. They also discussed various bills, including safety bills, which
78 were more concerned with education.
- 79 • Received an email from a citizen who had concerns about \$1000 gift cards that the city was giving
80 away and asked staff if they could clarify. Staff responded that the money comes from local
81 businesses, not from the city. And the money comes from individual gift cards of smaller amounts
82 that equaled \$1000 not a single \$1000 gift card.

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91 Council Member Kunz:
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- 93 • Continues to meet with Ryan Snow the City Manager to learn more about his responsibilities as a
- 94 City Council Member.
- 95 • Also went to the State Capital with the Youth Council and found in very interesting to see how
- 96 things worked and how bills got passed. Got to meet with State and Local representatives.
- 97 • Will be attending the mosquito abatement meeting this week and will report on that next time.

98
99 Mayor Alder:
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- 101 • Has been involved in lobbying for land conservation, including testifying before the legislative
- 102 committee for \$5 million in the governor's budget for land conservation.
- 103 • Attended LPC meetings to discuss important issues identified by the Utah League and engage with
- 104 representatives and senators. Emphasized the importance of letting your local representative know
- 105 about unintended consequences of bills and the need to inform them and be vocal about their
- 106 opinions.
- 107 • Is now the chair of the Cache Metropolitan Planning Organization (CMPO) and will be attending
- 108 and reporting on those meetings.
- 109 • There is an elementary school contest sponsored Utah League of Cities and Towns, asking students
- 110 to share essays from fourth to seventh grade to discuss why they love their community.
- 111 • Seeking to get letters of support for a new trail that is going to come down from Edge Hill Drive
- 112 down onto the first East that will give people a place to walk.
- 113 • Met with the School Board and the School Board Superintendent, and we were able to talk about
- 114 things that the city and them have in common, things that need to be taken care of; and it was
- 115 suggested that since the City Council has someone who comes to their meetings that the city would
- 116 like a liaison from the Board to come to City Council meetings. The Board liked that idea and have
- 117 assigned someone to represent them at City Council meetings.
- 118 • Also participated on the local leaders panel at Ridgeline High School, where they discussed their
- 119 role and political involvement with government students. Found the students to be quiet but open
- 120 to questions.
- 121 • Participated in the Cache Valley Chamber Commerce meeting where they talked about the
- 122 significant amount of money that citizens drop in Cache Valley during the summer who live
- 123 elsewhere and finding ways to bolster their involvement to get more to people to come.

124
125 Approval of the minutes:
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127 **28 MIN. 25 SEC.**

- 128 ➤ **Item No. 1 Approval of the Minutes:** The Providence City Council will consider for approval the
129 minutes of January 17th, 2024 . **(MINUTES)**
130

- Mayor Alder called for the approval of the minutes.
- Council Member Nebeker noted to staff the Mr. Parkinson’s, who commented during the public comment portion of the meeting, last name was spelled in various ways. Staff noted that they would correct that.

Motion to approve the minutes of January 17th, 2024 – Council Member Sealy. 2nd- Council Member Kirk.

Vote:

Yea- Council Members Kunz, Kirk, Sealy, Speth & Nebeker.

Ney-

Abstained-

Absent-

Motion passes, minutes approved.

Public Comments: Citizens may express their views to the City Council on issues within the City’s jurisdiction. The City Council accepts comments: by email providencecityutah@gmail.com, and by text 435-752-9441.

- Mayor Alder opened the floor for public comment.
- Mary Hubbard, resident, asked about a recent city council meeting and the proposed 5% increase in sewer tax. She was unsure if this was on top of the usual 5% from Logan, which would make it a 10% annual increase. Staff responded that Logan sewer bill accounts for about 70% of the bill but that the 5% would not be in addition to.
- Matt Harris, resident, expressed gratitude to the city council members for their involvement in discussions about pickleball courts and finding the right location. He also mentioned the recent installation of bike lanes and structural stabilization of trails and Von Baer Park. Acknowledged the efforts of Ryan and Tara in resolving fiber issues, which included several issues. Expressed their appreciation for the pickleball project, and the decision-making process involved, stating that he was happy with the outcome.
- Mitch Shook commented on the progress of the community broadband project in Providence, highlighting the importance of broadband as a utility and the unique community of public infrastructure. He emphasized the benefits of competition and freedom for end users, leading to low rates and exceptional service. Is grateful to be part of the project and reports that citizens are using five megabits for \$10 a month, reducing their monthly subscription. Concluded by stating that the project has been a success and is grateful for the support of the community.
- Brandon Majors, resident, shared a story about a cul-de-sac up on the benches that was very popular for young teenagers and college students to party at. They built their house next to the cul-de-sac and faced disturbance from those people and their cars and loud music. To address this, they contacted the mayor and city to help resolve the issue, their neighborhood installed landscaping and a fence which led to a significant decrease in disturbances. Stated the importance of working within the rules and laws and working with the city. They believe that implementing a system that works within the rules can make everyone's life better. Is grateful for the help and support from the community.
- No further comments were made. Mayor Alder closed the public comment portion of the meeting.

Presentations/Public Hearings:

39 MIN. 45 SEC.

➤ **Item No. 2 Providence City Code 4-3 Garbage, Waste and Recycle Amendments:** The Providence City Council will take comments and questions regarding proposed amendments to the PCC 4-3 Garbage, Waste and Recycle.

- Mayor Alder called item 2, gave a brief introduction and asked staff if they would give an overview of the code before opening it up to public comments and questions.
- Ryan Snow commented that Logan city previously provided garbage service under a County service area. The city is removing this area and updating it to provide its own garbage service. This will allow the city to own trucks and permits, reducing the need for county-issued permits. The goal is to update the service to be specific to the city, rather than the County and Logan providing it. The goal is to learn and make necessary modifications as the service becomes more effective. While this is an improvement, it is not expected to be perfect as the city is still in a learning curve.
- Skarlet Bankhead discussed the difference between the private and public sectors and how Providence City is implementing new codes. The first change is the creation of an enterprise fund, which allows the city to balance its budget and manage garbage waste and recycled collection more efficiently. This change will move the funds from the general fund into its own enterprise fund, allowing for more specific rules and easier project management. The City Council has the authority to establish exemptions, third charges, and credits for garbage waste and recycle utility fees through resolutions. The Council may also fix special rates from time to time. Talked about the policy and responsibilities of the City Council, which sets the framework for the city's waste management. The City Manager, Ryan Snow, is responsible for working with staff to find the best way to meet these requirements. Emphasized the importance of understanding the differences between the private and public sectors when implementing new codes and regulations.
- Mrs. Bankhead continued. The city adopts policies to improve its operations, including garbage collection, waste collection, and recycling. These policies are based on ordinances and resolutions, and the law serves as the master plans and the why and how. One issue with the current system is that the monthly utility billing statement is more like a credit card than an itemized one. If a customer gets behind on their bill, the city may disconnect the water service unless the customer pays the bill. This is because the city doesn't differentiate between what portion of the money its going towards. Additional charges for water, garbage, and sewer are not included in the ordinances. Instead, they are one charge that encompasses the entire utility bill. This makes it appear that the ordinances are repetitive, but there is a method. In summary, the city's administrative policies aim to improve its operations and ensure compliance with State and city code requirements.
- Parties discussed the collection process. The code also discusses the handling of serious health hazards and the notices sent to individuals who contaminate garbage. The EPA identifies elements and properties that can produce potentially harmful effects.
- Mayor Alder opened the floor for public comment.

- Loretta Buckley, a resident of Providence, discussed the proposed ordinance for a garbage service and noted that the council passed at the last council meeting fee increases, which will take effect in March. The ordinance allows for a department, and staff believe they can provide the service at least as cost-effective as Logan City. They believe that Logan City has always had a proper margin on top of their billing, which will ultimately benefit Providence City moving forward.
- No further comments were made, Mayor Alder closed the public hearing for this item.

56 MIN. 35 SEC.

➤ **Item No. 3 Providence City Code 7-12 Fiber-Optic & 11-4-8 Fiber System New Code** : The Providence City Council will take comments and questions regarding a proposal to add new city code regulating the city’s Fiber Optic Network.

- Mayor Alder called item 3, gave a brief introduction and asked staff to give a quick overview of the code before opening the floor for public comment.
- Ryan Snow commented that like the recent garbage code that was discussed this code will also create an enterprise fund and new department where the revenue from the system will pay for the expenses of the system. One of our greatest benefits of an enterprise fund is it tracks its own business. This ordinance is about the creation of a fiber optic department. As mentioned before, while this is an improvement, it is not expected to be perfect as the city is still in a learning curve.
- Skarlet Bankhead noted that the State Code aims to make everything transparent and clear, separating enterprise funds into separate entities. This allows for better understanding of capital expenses and individual revenues, resulting in separate funds for sewer, water, and fiber. The Planning Commission is working on a section to go through land use into the subdivision ordinance, enabling developers to notify the city of requirements to have fiber constructed as new developments go in.
- The intent of this ordinance is to operate it as a utility. Provide broadband access to meet the needs of residents, businesses, city departments. Allow the city to manage and regulate competing demands for the use of the public right away by minimizing the installation of communication lines and facilities on and over or under the public right away. We also want to foster competition among retail internet service providers by providing open access to the city's municipal fiber system.
- Mrs. Bankhead discussed how fiber is being set up, ownership and what the responsibilities are of the city and that of the ISPs. Gave examples of other utilities the city utilizes and how fiber would work similarly. Talked about possible future boundary line adjustments with other cities and how fiber would be arranged.
- Parties discussed the public hearing process and the ability to bring this item back in the future if they did not want to approve it tonight.
- Mayor Alder opened the floor up for public comment.
- Mitch Shook commented on the importance of this ordinance and making fiber a utility for the city and its residents. Talked about powers of the City Manager as it relates to this fiber utility ordinance and not allowing for the sale of property as it should be beyond their authority. Advocated for public access rates versus private deals. Talked about House Bill 367 and its impact

on citizens interests. Asked that the council review the language of the ordinance to make sure its looking to the future as well and setting up safeguards.

- No further comments were made, Mayor Alder closed the public hearing for this item.

1 HR. 15 MIN. 40 SEC.

➤ **Item No. 4 Mobile Food Vendors PCC Introduction:** The Providence City Council will take comments and questions regarding a proposal to add new city code regulating Mobile Food Vendors.

- Mayor Alder called item 4, gave a brief introduction and asked staff to give an overview of the code.
- Ryan Snow noted that this code comes from a staff member who saw the need to have something in our code to help regulate mobile food vendors as it is a growing industry that is becoming more popular in the city.
- Skarlet Bankhead mentioned that the State has a code in place that the city has been following for quite a while but isn't specific to mobile food vendors, so adding this to our code will help us regulate and address future issues. Mrs. Bankhead discussed the business license process and how this would be incorporated into that process. Vendors who have a business license elsewhere do not need to obtain another license in Providence City. However, they must also obtain a business license specific to Providence City for city events. Commented on the importance of following State Code as closely as possible in the ordinance, using their exact definitions. This allows the ordinance to flow with changes in State Code without needing to change the ordinance.
- Mrs. Bankhead noted the need for separate business licenses for each mobile food vending unit, as the State Code provides some discretion in certain areas. Overall, the ordinance is to help establish the need for consistency and regulation in the growing mobile food industry.
- Mrs. Bankhead reviewed the licensing requirements for mobile food vendors, which are temporary structures that must be removed from the premises daily. These vendors are not permanent structures and must adhere to the review and approval process for licenses throughout the city. Discussed the hours of operation, storage, and safety measures for mobile vendors. Stated prohibitions against mobile food vendors, such as selling their logo on items like t-shirts and mugs for other companies. Additionally, mobile food vendors must go through additional background checks, like health and fire inspections.
- Parties discussed the political wording in item 3 of the findings of fact. Mrs. Bankhead noted that she would get that fixed.
- Mitch Shook commented and asked that popcorn and popcorn machines be exempt as there are a lot of events that hand out free popcorn and to make them go through the process seems extreme.
- No further comments. Mayor Alder closed the public hearing for this item.

Resolutions/Ordinances:

1 HR. 26 MIN. 55 SEC.

➤ **Item No. 5 Ordinance 02-2024 PCC 4-3 Garbage, Waste and Recycle Amendments:** The Providence City Council will review, discuss, and may take action on an ordinance that amends PCC 4-3 Garbage, Waste and Recycle. ([ORDIN. 02-2024](#))

- Mayor Alder called item 5, gave a brief introduction, and opened the floor for council to discuss the proposed ordinance.
- Council Member Sealy commented on the wording of garbage and refuse and noted that it seemed confusing and at times redundant. Indicated that it should probably be changed back to the way it was the last time they reviewed it.
- Parties talked about the definitions of waste, green waste, and recycling. Parties gave examples of what makes up each definition or type.
- The Council noted that on line 76 it has garbage listed twice. Suggested that maybe on line 80 the word must be changed to may.
- Parties discussed the hour limitations on how long garbage cans can be placed on the road. Talked about the benefits of longer times and shorter times. Talked about garbage can placements on narrow roads.
- The parties addressed the definitions chapter in the code and how the titles, chapters and sections are set up in the city code.
- Council noted that on line 95 the word removal should be recycle.
- Mayor Alder commented on having live links in the code that will link you to other sections of the code, so the viewer doesn't have to search for it. Staff noted that we do try to link to State Code but want to try and avoid having to stay up on broken links and State Code changes.

Motion to approve Ordinance 02-2024 PCC 4-3 Garbage, Waste and Recycling Amendments with the recommended changes as have been stated in tonight meeting. – Council Member Sealy. 2nd – Council Member Speth.

Vote:

Yea- Council Members Kunz, Kirk, Sealy, Speth & Nebeker.

Ney-

Abstained-

Absent-

Motion passes, ordinance approved. City code will be updated with the new amendments.

1 HR. 45 MIN 30 SEC.

➤ **Item No. 6 Ordinance 03-2024 PCC 7-12 Fiber-Optic:** The Providence City Council will review, discuss, and may take action on an ordinance that creates new city code regulating the city's Fiber Optic Network. **(ORDIN. 03-2024)**

- Mayor Alder called item 6, gave a brief introduction, and opened the floor to council for comments and questions regarding the new code.
- The parties discussed the whereas statements in the ordinance that reference the beginning of fiber work and wondered if the dates should be changed, as work started much later then it currently states. The parties examined the contract and installations dates.
- Skarlet Bankhead informed council that the city manager is not receiving any additional powers through this ordinance that the council hasn't already given him with other departments and funds

as it relates to the sale of property and assets which is governed by State and City code. Parties explained the administration functions and responsibilities.

- Council Member Speth asked about the title of the department or fund and if it should be changed or shortened. Commented on telecommunications definitions. Parties considered titling it Fiber-Optic System. Parties talked about dark fiber.
- Council Member Nebeker asked if this ordinance was establishing or enforcing the fees. Staff responded that it is just establishing the department.
- Parties reviewed operation procedures, transfers from general fund, infrastructure and depreciation.
- Parties talked about possible easements and right of way issues as referenced in the code. Staff noted that they could strike right of way if the council wanted. Discussed accounting process and purpose of enterprises.
- Council Member Nebeker asked how residents would go about removing fiber drops if they wanted or if there was a process in place to do so. Staff responded at the moment there is not a process for residents to request that a drop be removed.
- Council reviewed the codes location within the city code and if it’s a good place to put it.
- Parties talked about continuing this out a month so they could better review the language.
- Item will be continued to March’s City Council Meeting.

2 HR. 11 MIN. 10 SEC.

➤ **Item No. 7 Ordinance 01-2024 PCC 3-13 Mobile Food Vendors:** The Providence City Council will review, discuss, and may take action on an ordinance that creates new city code regulating Mobile Food Vendors. ([ORDIN. 01-2024](#))

- Mayor Alder called item 7, gave a brief introduction, and opened the floor to council for comments and questions regarding the new code.
- Council Member Sealy asked about line 27 in the code that talks about having a license within a current calendar year and if it was every 12 months from the time the license was issued. Staff responded that they notify business of renewal licenses every January regardless of when the license was issued. They are not renewed on the anniversary of its issuance.
- Parties discussed clarifying the language of selling on passenger side or right side of the road with adding curb side to be more definitive.
- The Council asked about the code referring to a recreational district and if that was needed. Staff responded that there is zoning for it so its best to leave it in.

Motion to approve Ordinance 01-2024 PCC 3-13 Mobile Food Vendors with the stated additions as have been discussed. – Council Member Speth. 2nd Council Member Kirk.

Vote:

Yea- Council Members Kunz, Kirk, Sealy, Speth & Nebeker.

Ney-

Abstained-

Absent-

387 **Motion passes, ordinance approved. New code to be added to the City code.**

388
389 **2 HR. 16 MIN. 15 SEC.**

- 390 ➤ **Item No. 8 Res. 04-2024 Amendment to City's Personnel Policies and Procedures Manual:** The
391 Providence City Council will review, discuss, and may take action on a resolution amending the city's
392 Personnel Policies and Procedures Manual Revised September 16, 2020. Section 12. Retirement, per
393 new URS standards. **(RES. 04-2024)**

- 394
395 • Mayor Alder called item 7, gave a brief introduction, and asked staff to give an overview of the
396 resolution.
397 • Staff stated that URS did an audit, and this was the only thing they found that we should change,
398 which is minor considering all that they went through. Staff recommend that the council approve
399 the resolution.

400
401 **Motion to approve Resolution 04-2024 Amendments to City's Personnel Policy and Procedures**
402 **Manual. – Council Member Kirk. 2nd- Council Member Speth.**

403 **Vote:**

404 **Yea- Council Members Kunz, Kirk, Sealy, Speth & Nebeker.**

405 **Ney-**

406 **Abstained-**

407 **Absent-**

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409 **Motion passes, Resolution approved. Changes will be incorporated.**

410
411 **Agreements, Contracts, Bid Awards:** None

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413 **Plans and Other Business:** None

414
415 **Study Items:**

416
417 **2 HR. 17 MIN. 55 SEC.**

- 418 ➤ **Item No. 9 Unsolicited Proposal for City Waste Collection Services:** The Providence City Council
419 will discuss a contract by Clean Slate to help in assisting with the city's waste collection services.
420 **(PROPOSAL)**

- 421
422 • Mayor Alder called item 9, gave a brief introduction and indicated that Keaton Haviland from
423 Clean Slate was here to present a proposal to the city for waste collection services. Invited Mr.
424 Haviland to give an overview of their proposal.
425 • Mr. Haviland stated that this proposal aims to retain revenue generation for the city in their
426 collection services and provide additional stability for Providence city by letting Clean Slate
427 collect the city's waste. Clean Slate has trained personnel who operate garbage trucks and are
428 experienced in tire and equipment maintenance. The company has a mechanic on their team to

429 handle these issues. The company believes that the proposal highlights the council's goals and
430 provides value to Providence city as it relates to their garbage collection needs.

- 431 • Mr. Haviland expressed enthusiasm for the city's decision to provide a front load truck for
432 Providence City, a business they are looking to grow in as well. The truck will be used daily for
433 garbage collection, while the backup truck will continue recycling operations. If one truck fails,
434 the backup truck can still operate. Their company has secured arrangements with another
435 business in the valley to dispose of green waste, ensuring that the pricing remains locked in
436 regardless of the current rate changes.
- 437 • Parties discussed if Clean Slate has plans in place to confront growing pains or city expansions.
438 Mr. Haviland commented that they are prepared to expand and hire more people if needed.
- 439 • Parties reviewed their services and what they would be responsible for and what the city would
440 be responsible for.
- 441 • The council asks about bonding and insurance. Mr. Haviland responded that the trucks would be
442 insured under their policy.
- 443 • Staff noted that the purpose of this item is to see if the council is interested in this proposal, nothing
444 is being approved tonight. If the council is interested, then staff would sit down with Mr. Haviland
445 and work out the details and bring it back to council.
- 446 • The council asked Rob Stapley from the Public Works Department what he thought of the
447 proposal. Mr. Stapley responded that it looked like a good viable option and is interested in
448 knowing more.
- 449 • Council discussed the possible benefits of hiring our own drivers who would be available to help
450 with other city needs.
- 451 • Parties discussed how long the contract would be in effect. Staff responded that it is usually around
452 5-7 years which is usually how long garbage trucks last. Parties talked about green waste bins.
- 453 • Council expressed that they are interested in knowing more and would be ok if staff move forward
454 with getting more details or a drafted contract.

455
456 **2 HR. 39 MIN. 30 SEC.**

- 457 ➤ **Item No. 10 PCC Amendments Regarding the Use and Construction of Retaining Walls:** The
458 Providence City Council will review and discuss proposed changes to the city code that regulates the use
459 and construction of retaining walls. **(EXHIBIT)**

- 461 • Mayor Alder called item 10, gave a brief introduction, and indicated that this is a study item. Asked
462 staff to give an overview of the staff report.
- 463 • Mrs. Bankhead stated that the city has long had ordinances for retaining walls, but recent
464 changes have led to a need for a more comprehensive approach. The zoning code has been
465 amended to address the negative impacts of retaining walls in setbacks. The city is now
466 considering adding retaining walls to the police regulations, which are part of the fence
467 regulations. The planning commission is currently discussing this issue, with an illustration
468 proposed to illustrate the placement of a retaining wall. The illustration will help clarify the
469 specifications of the placement of retaining walls, as it depends on the property being held up.
470 The commission is considering making the law clearer and encouraging people to live by both
471 the letter and intent of the law. The illustration will be presented after the public hearing, and the

commission will continue to work on improving the law to ensure a more effective and efficient retaining wall system.

- Mrs. Bankhead continued that the city is facing issues with retaining walls, which are not engineered and do not meet building code requirements. The Cache County building department has been contacted to address this issue, but the city does not require every wall to be engineered. They will allow people to build walls under three feet but are more concerned over walls that are over three feet due to the amount of dirt and material being retained and moved.
- This staff report introduces a proposal to address these issue, using graphics to illustrate placement and illustrate the proposed changes. The goal is to make the building and walls safer and more visible to neighbors, as well as to ensure that people can see the sidewalk when leaving their driveway. The proposed bill will ensure that the wall is built correctly and holds the desired material, making it safer for people to interact with the building and surrounding area.
- Parties discussed the need for safe walls being built, as some walls that are holding dirt and rocks are falling down causing unsafe conditions. Council hopes to slow down construction of these unsafe walls and implement an ordinance to protect homeowners and prevent foundation falls or accident's. Parties believe that having an engineering requirement is more beneficial than relying on ordinances and code enforcement.
- Bob Washburn, resident, commented on the issue and suggested that it is a land use issue and should maybe go through the planning commission for review and comments. Noted the importance of getting this issue corrected and making sure the process in clear and easy to follow while also providing safety measures for the homeowner and their neighbor. Commented on agricultural lots, slope and grading as it relates to retaining walls.
- Loretta Buckley, resident, commented that these restrictions and guidelines should only apply to residential lots and not agricultural ones. Has gathered data on some of the slopes and grading in the city and issues they are seeing. Discussed the setback requirements and sensitive areas.
- Staff commented on slope and grading and the current requirements for home building on the benches. Parties discussed developers' rights, rock walls and elevation complaints they receive from residents who's neighbor has built a wall next to their property.
- Parties discussed the next steps for this item and the public hearing process. Council talked about letting the planning commission review this and make comments and suggestions before it comes back to council. Council agreed to let the Planning Commission review and discuss the amendments.

3 HR. 15 MIN 40 SEC.

Staff Reports: Items presented by Providence City Staff (including but not limited to: City Recorder, Public Works Director, Community Services Director, and City Manager) will be presented as information only.

Ty Cameron (City Recorder)

- Had nothing to report.

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Rob Stapley (Public Works Director):

- Commented on snow plowing in the city from this recent storm and that they did receive a lot of complaints but noted that with storms like these their main concern or priority are the main roads, so some residential roads get postponed until the main roads are good and clear.
- Noted that there were three large developments underway that him and his crew are trying to stay on top of.
- Council Member Speth commented on issues of snow needing to be rolled to the north in his area in order to keep the sidewalk and drains clear. Mr. Stapley responded that it is a tight road and requires a few run throughs in order to get all that snow to the north and that it sometimes depends on the storm.

Skarlet Bankhead (Community Development Director):

- Reported that there had been an uptick in winter parking violations and are doing their best to educate and inform residents and businesses of the restrictions. Sheriff's department has been out and about ticketing people.
- Has received some complaints about cans being knocked down on 200 W but noted that 200 W is a county road so the city is not responsible for plowing that road.
- Recreation is right around the corner and registration has begun and it looks like we are going to have a good recreation year.
- Staff continue to review plats for ongoing developments in the city. Noted that her team is busy but not swamped.
- Informed that the Council will be seeing some code amendments in the near future that will be coming from the planning commission.
- Compliments Council for staying on top of all the new bills that are getting passed.

Ryan Snow (City Manager):

- Reported that it is grant season and is working on quite a few grants for the city. Have applied for the safe routes to school program and were granted 2 of the 3 phases that we applied for. The City has also applied for to RAPZ grants, one for a playground at Bragger Park and the Edgehill trail. The deadline is March 1st. Working on the Utah Outdoor Recreation grant with the Mayor and his looking to get some support letters help push that through. Also working on a grant for land and water conservation that would provide a park on the east side of the city.
- Starting on the design for the safe routes for school on 1st east. Skate Park is still in the design phase but are working on finalizing that.
- Reported that we have 1, 144 users on the fiber optic system and continued installs for the next 2-3 weeks. Discussed the upcoming fee and the Councils future decision on how that will play out.

Motion to adjourn meeting. – Council Member Sealy. 2nd – Council Member Kunz

556 **Vote:**
557 **Yea- Council Members Kunz, Kirk, Sealy, Speth & Nebeker.**
558 **Ney-**
559 **Abstained-**
560 **Absent-**

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562 **Motion passes, meeting adjourned.**

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564 **Next meeting March 20th, 2024.**

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567 **Minutes approved by vote of Council on _____ day of _____ 2024.**

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572 _____
573 **Kathleen W Alder, Mayor**

Ty Cameron, City Recorder