

1 **PROVIDENCE CITY COUNCIL MEETING MINUTES**

2 Wednesday January 17th, 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 account of the meeting please visit the City’s YouTube Channel found [HERE](#).

6
7 To view the monthly financial statements of the city please click [HERE](#).

8
9 **HR. MIN. SEC** in green are timestamps of the YouTube recording.

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: Ryan Snow (City Manager), Skarlet Bankhead (Community Development Director), Rob
15 Stapley (Public Works Director) & Ty Cameron (City Recorder) via zoom.

16 Pledge of Allegiance: Mayor Alder

17 Opening Remarks/Prayer: Council Member Sealy

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

20 **Swearing in of new and reelected Council Members.** The Providence City Mayor will swear in new Council
21 Member David Kunz and reelected Council Members Carrie Kirk and Brent Speth.

- 22
23 • Mayor Alder took the podium and swore in re-elected Council Members Carrie Kirk & Brent Speth and
24 new Council Member David Kunz.

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26 **4 MIN. 55 SEC.**

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

29
30 **Council Member Sealy:**

- 31
32 • Attending the LPC (Legislative Policy Committee) meetings, which started yesterday, and is
33 following the proposed new laws that are being discussed. Informed that last year over 500 bills
34 were enacted.
35 • Notified residents that this year is an election year for our Senators and Representatives and
36 encouraged people to get informed and involved.
37 • Continues to attend Library Board Meeting and the Blacksmith Fork Irrigation Company meetings
38 which is getting ready to do their annual meeting in February.

39
40 **Council Member Speth:**

- 41
42 • Will be attending the Blacksmith Fork Irrigation Company meetings which was Council Member
43 Sealy’s assignment but will now be his. Will be attending the share holders meeting in February.
44 • There is a new emergency preparedness program called Whole Community Preparedness
45 Coalition, which unfortunately also meets during city council meetings. This program entails

46 coordinated meetings with, government, home, church, schools, businesses etc. to help understand
 47 what each organization needs and can provide when it comes to emergency preparedness.

- 48 • CERT training starts back up in March and goes 6-8 weeks, Tuesdays, and Thursdays. Anyone
 49 interested can reach out to him and he can help them get set up.
- 50 • HAM Radio licensing day will be offered January 27th at the Cache County Sheriffs Complex.
- 51 • Regarding the recent cold temperatures there is a warming center that is being provided by the St.
 52 John's Episcopal Church at 80 E 100 N in Logan. Volunteers are welcome.
- 53 • Also following the State Legislature and what new bills may be passed.

54
 55 **Council Member Nebeker:**
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- 57 • Attended the Mosquito abatement district meeting, which was his last as he will no longer be
 58 assigned to attend as part of his City Council assignments. Noted that per last years numbers there
 59 were over 8,000 more mosquitoes than the previous year which could be because of all the snow
 60 and water we got last year. Commented on the new drones that they have that has helped in spray
 61 in hard to reach areas.

62
 63 **Council Member Kirk:**
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- 65 • Continues to work with the Youth Council and asked staff if they could put on the new city events
 66 and meeting calendar the Easter Egg Hunt which will take place on March 30th.
- 67 • Looking for a day in the next month or so for the Youth Council to attend that State Legislature
 68 on Capitol Hill. Mayor Alder commented that she is meeting Senator Wilson's intern next week
 69 to go over the schedule of events and could possibly lock down the date of February 16th.

70
 71 **Council Member Kunz:**
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- 73 • Has been meeting with Ryan Snow bi-weekly learning the in's and outs of what City Council
 74 Members do.
- 75 • Attended the ULCT new Council Member training. Is excited to be here and start working with
 76 the city and Council.

77
 78 **Mayor Alder:**
 79

- 80 • Is serving on a lot of committees, most don't directly benefit the city, but it does allow her to meet
 81 a lot of decision makers and leaders who's choices do affect the city. They have been very positive
 82 about our city and the things we are working on.
- 83 • Congressman Moore's new director will be in town next week meeting with local leaders and
 84 commented that she will be out of town and if there was a Council Member who could attend in
 85 her stead. Council Member Sealy volunteered to attend on her behalf.
- 86 • The Council talked about applying for grant money for the city's lift station and possible future
 87 grant money for a potential sewer treatment plant.
- 88 • Will be testifying in front of the Utah Conservation Commission on Thursday the 18th of January.

90 **Approval of the minutes:**

91
92 **19 MIN. 05 SEC.**

93 ➤ **Item No. 1 Approval of the Minutes:** The Providence City Council will consider for approval the
94 minutes of December 5th, 2023 . **(MINUTES)**

- 95
- 96 • Mayor Alder called for the approval of the minutes of December 5th, 2023.
- 97 • No comments or corrections were made.
- 98

99 **Motion to approve the minutes of December 5th, 2023. – Council Member Speth. 2nd Council Member Kirk.**

100 **Vote:**

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

102 **Nay-**

103 **Abstained-Council Member Kunz**

104 **Absent-**

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106 **Motion passes, minutes approved.**

107
108 **Public Comments:** Citizens may express their views to the City Council on issues within the City’s jurisdiction.
109 The City Council accepts comments: by email providencecityutah@gmail.com, and by text 435-752-9441.

- 110
- 111 • Mayor Alder opened the floor of public comment.
- 112 • Cole Parkinson, Attorney for Mr. and Mrs. Gehrke who are residents of Providence and are in the process
- 113 of building a house and have had trouble moving in; addressed Council regarding the issues his clients are
- 114 facing as they have been denied an occupancy permit.
- 115 • Ryan Snow commented that he has talked with Mr. Parkinson and has informed him that he should talk
- 116 with the city attorney to discuss the issues at hand.
- 117 • Mr. Parkinson alerted that he is just here to inform the Council of what his happening the some of the
- 118 frustrations that his clients are going through.
- 119 • City and Council commented regarding the issues the City Council is not a liberty to discuss or make a
- 120 decision as it is not a legislative issue. The parties discussed the occupancy permit checklist and there
- 121 contract with the County.
- 122 • Parties discussed the permit process. The city again asked Mr. Parkinson to please refer to the city’s
- 123 attorney to address the issue and seek resolution.
- 124

125 **Resolutions/Ordinances:**

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127 **25 MIN. 55 SEC.**

128 ➤ **Item No. 2 Resolution 01-2024 Update and Revisions to City Council Bylaws:** The Providence
129 City Council will review, discuss, and may take action on a resolution that updates the City Council
130 Bylaws. **(RES. 01-2024)**

- Mayor Alder called item 2, gave an introduction and cited that the changes that have been made have not been substantiated changes but have more to do with gender neutral changes and outdated position assignments or labels.
- Parties discussed the Mayor Pro Temp bylaw and the coming proposed changes to Council assignments which will be discussed later.
- Council Member Speth asked about 3.1 of the bylaws and what was meant by it and why the recorder was listed. Ryan Snow responded that the assignments or duties that are referenced have to deal with the agenda preparation, noticing, minutes etc. and not their actual Council assignments.
- Parties discussed if section 5.1 needed to be addressed in regard to daylight savings time changes. Parties responded that referencing the standard mountain time includes daylight savings.

Motion to approve Resolution 01-2024 updating and revising the City Council Bylaws as have been presented and discussed. – Council Member Kirk. 2nd – Council Member Sealy.

Vote:

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

Nay-

Abstained-

Absent-

Motion passes. City Council Bylaws will be changed per resolution.

29 MIN. 50 SEC.

➤ **Item No. 3 Resolution 02-2024-Justice Court Interim Judge Appointment:** The Providence City Council will review, discuss, and may take action on a resolution setting up an interim judge for the Providence City Justice Court. [\(RES. 02-2024\)](#)

- Mayor Alder called item 3, gave a brief introduction, and indicated that Judge Funk resigned due to his desire to run for county auditor. This resolution is before the Council so that they can allow for an interim judge while they further evaluate what to do in the long run.
- Ryan Snow discussed their future options with the Court, which was to hire a new judge, which could take 9 months, contract with another Justice Court in the valley or seek to eliminate the Justice Court all together. Noted that tonight they are just discussing and approving an interim judge so that the Justice Court can continue to function.
- The parties discussed the process of eliminating the Justice Court. Ryan Snow responded that a resolution had to be passed by their legislature representatives and that it is not something the city could just approve of. Advised that it involves a lot of work and that it would need to go before the State and since they are already in session it wouldn't be an option until next year. Informed that even if they eliminated the Justice Court, they would still need to pay the city prosecutor to prosecute cases in the District Court.
- Council Member Speth asked that in the future if we hired a new judge if there was something the city could put in place or in the contract that wouldn't allow for immediate resignation; but give the city and court time to resolve the issue before the judge leaves. Ryan Snow responded that if they go that route that that could be a possibility to clarify judge's salary and contract are governed by the State.

176 **Motion to approve resolution 2-2024 Justice Court Interim Judge Appointment.- Council Member**
177 **Nebeker. 2nd- Council Member Sealy.**

178 **Vote:**

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

180 **Nay-**

181 **Abstained-**

182 **Absent-**

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184 **Motion passes, City will move forward with appointing a interim judge until a more permanent solution**
185 **and be put in place.**

186
187 **38 MIN. 10 SEC.**

188 ➤ **Item No. 4 Resolution 03-2024 Amending Providence City’s Fee Schedule:** The Providence
189 City Council will review, discuss, and may take action on approving a resolution to amend the city’s
190 consolidated fee schedule. **(RES. 03-2024)**

- 192 • Mayor Alder called item 4, gave a brief introduction, and opened the item up for discussion and
193 questions.
- 194 • Council Member Nebeker asked about the 3% and 5% annual increases for Sewer and Stormwater and
195 clarified that it would be that percentage increase every year. Ryan Snow responded that yes that was
196 the intention for it go up each year on that percentage but that the city annually evaluates the fee
197 schedule so it could also easily change.
- 198 • Council Member Speth commented on the annual increase and noted that doing such allowed a future
199 treatment plant to be more feasible.
- 200 • Council Member Kirk asked about the per person regarding the burial fee. Ryan Snow responded that
201 the per person was per employee, so each employee working for that burial which usually ranges from
202 2-3 city employees. Council Member Kirk commented that a straight \$200 per hour seemed more fair
203 and easier to calculate for the residents.
- 204 • The parties talked about the effective date of this fee schedule and effective dates for the optional
205 recycling and fiber non-subscriber fee as those won’t be in place if the effective date was tomorrow.
206 Parties discussed changing the effective date to March 1st and motioning to have specific effective
207 dates for garbage and fiber.
- 208 • Council Member Kirk asked about the special event fee and what constitutes a special event. Staff
209 responded that usually special events required more than just the park or pavilion, such as the city
210 streets, for example hosting a marathon or some demonstration; and it is usually not in addition to the
211 park reservation which would be just for the park or pavilion.
- 212 • Council Member Kirk commented on the new water usage fee that was instituted last year and if there
213 are any numbers that show if its working and people are paying attention and conserving water. Ryan
214 Snow replied that they did get some numbers back regarding water usage and that the increase was
215 very minimal for new developments.
- 216 • The parties discussed notifying residents of that fee yearly through the city newsletter or through
217 billing.
- 218 • Parties discussed the different uses of Von Baers Park and Zollinger Park. Staff commented that when
219 you reserve Vons Baer Park you get the whole park and not just the pavilion, however they don’t get

the trail or disc golf course that’s by the park. With Zollinger Park you just reserve the pavilion. Parties discussed the demand for the parks and price differences.

Motion to approve Resolution 03-2024 Amended Fee Schedule as it has been presented with the following changes: The overall effective date for the amended fee schedule will be March 1st, 2024. The optional recycling fee will not go into effect until the city takes on its own garbage/waste removal services. The non-fiber subscriber fee will not go into effect until it is approved by the city council. The Failure to Conclude Burial Services by 4 pm Fee will be \$200/hr. prorated. – Council Member Kirk. 2nd- Council Member Nebeker.

Vote:

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

Nay-

Abstained-

Absent-

Motion passes, amended fee schedule with motioned changes is approved.

Plans and Other Business:

38 MIN. 30 SEC.

➤ **Item No. 5 Providence City Council Goals & Assignments:** The Providence City Council will review, discuss, and may take action on approving their goals and assignments for 2024.

- Mayor Alder called item 5, gave a brief introduction, and opened the item up for any questions or discussions.
- Council Member Kirk noted that she was pleased to see that a few things were moved around as she felt a few members had more than their fair share.
- Staff clarified that Council Member Nebeker would no longer be over the mosquito abatement meetings. Council Member Nebeker responded that he would be passing that assignment along.
- Parties discussed the Mayor Pro Tem assignment and if it needed to be its own item. Council Member Speth commented on the Council Bylaws as it pertains to the Mayor Pro Tem position. The parties concluded that it did not need to be its own item and that by approving their assignments as shown would move the Mayor Pro Temp assignment or calling from Council Member Sealy to Council Member Kirk.

Motion to approve the 2024-2026 Providence City Council Goals & Assignments as has been discussed with Council Member Kirk becoming the new Mayor Pro Tem. – Council Member Sealy. 2nd – Council Member Speth.

Vote:

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

Nay-

Abstained-

Absent-

Motion passes, Council assignments and goals approved.

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266 **1 HR. 03 MIN. 50 SEC.**

267 ➤ **Item No. 6 2024 Providence City Meetings, Events and Holidays Schedule:** The Providence
268 City Council will review, discuss, and may move forward with approving the city's 2024 Meetings, Events
269 and Holidays schedule. **(2024 SCHEDULE)**

- 270
271 • Mayor Alder called item 6, gave a brief introduction, and indicated that the biggest changes to the
272 schedule would be adopting June 19th (Juneteenth) as a paid holiday and giving staff the week of
273 Christmas as a prep week. Christmas Eve and Christmas Day would be paid holidays but the remaining
274 days the office would be closed, however staff could take vacation time or come in work if they
275 needed.
- 276 • Council Member Krik reminded staff if they could make sure to put the Easter Egg Hunt on the
277 calendar.
- 278 • Council Member Sealy commented that she liked the graphic.

279
280 **Motion to adopt the City's 2024 Meetings, Events and Holiday Schedule. – Council Member Sealy. 2nd-**
281 **Council Member Kunz.**

282 **Vote:**

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

284 **Nay-**

285 **Abstained-**

286 **Absent-**

287
288 **Motion passes, 2024 city schedule is approved as presented.**

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290 **Study Items:**

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292 **1 HR. 08 MIN 30 SEC.**

293 ➤ **Item No. 7 Providence City Code 4-3 Garbage, Waste and Recycle Amendments:** The Providence
294 City Council will review and discuss proposed amendments to the PCC 4-3 Garbage, Waste and Recycle.
295 **(EXHIBIT)**

- 296
297 • Mayor Alder called item 7, gave a brief introduction, and opened the discussion up for any
298 questions or comments regarding the proposed code amendments.
- 299 • Council Member Sealy commented on the section (line 168) and wondered if the definition or
300 wording regarding 'Community Waste' should be changed to green waste which seems to be a
301 more common term. Also noted that staff should look into changing the word refuse as well as that
302 seemed confusing. Ryan Snow noted that the words garbage and refuse are used interchangeably.
303 The Council noted that it would be cleaner to just stick with one and recommended using garbage.
- 304 • Council asked about the definition of 'Market Waste'. Staff responded that they would look into
305 and replace or remove if needed as they didn't know or have a specific definition.
- 306 • Council stated that there was a typo on line 42 with the word 'waster' and line 135 where the word
307 'in' at the end should be stricken as well.

- Parties discussed the ‘paid in full’ section as it relates to past due bills and the fees for water connections and the water shutoffs. Staff advised that the water connection fee, which is \$500, was not for when water is turned off for failure to pay a bill but for when new homes or homes connect to the water system for the first time. The water on and off fee is only around \$30.
- The parties discussed the issue of water shutoffs in the winter and potentially freezing pipes.
- Council Member Sealy commented that on line 195 – County Service Area should be stricken. And that on line 203 the word ‘chapter’ should be included and not stricken.
- Council Member Speth commented on the section regarding night soil and what that means and whether or not staff should clarify the dumping of manure as it relates to fertilizer. Staff commented on the issue of dumping manure on vacant lots or areas. Council Member Sealy suggested adding the dumping of tires as well as she as seen that become a problem as people don’t want to pay to have their tires recycled.
- The Council noted that on line 270 it should be ‘an order’ and not ‘a order’.
- Council Member Sealy asked if it would be appropriate to add to section 4-3-9 that the offenders pay for or be billed for any work that has to be done. Council Member Speth brings up the issue of how a emergency is defined and who defines it as that may influence what is and isn’t billed or where the cost should come from.
- The parties discussed emergency situations and what would constitute an emergency versus a nuisance and using the court as a channel to resolve the issue.
- Council Member Speth noted that he would like to see more definition of what would constitute or define an emergency. Staff replied that they would try and work something out.
- The Council agreed to move this forward to a public hearing.

1 HR. 29 MIN. 20 SEC.

➤ **Item No. 8 Providence City Code 7-12 Fiber-Optic & 11-4-8 Fiber System Code Introduction:**

The Providence City Council will review and discuss creating new city code regulating the city’s Fiber Optic Network. **(FIBER CODE PCC 7-12)** & **(FIBER SYSTEM CODE PCC 11-4-8)**

- Mayor Alder called item 8, gave a brief introduction, and opened the item up for discussion and questions regarding the two proposed codes regarding the city’s fiber system.
- Council Member Speth asked how disconnecting a home or resident from the system based on illegal activity was going to be confirmed, tracked, or initiated or what the process would be. Parties commented on residents being innocent until proven guilty. Staff responded that yes, they would not move forward unless they had substantial proof of illegal online activity.
- Council Member Sealy asked how Metro and Municipal were being defined as they are used in the code and referenced the main line and point of delivery.
- Parties discussed Metro and Municipal definitions and how they should be used in this case or code.
- Council Member Speth asked if there needs to be something in the code to address if contractors damage any lines or streets as it relates to Fiber. Ryan Snow commented that it should be covered under the Blue Stakes rules. Asked how extensions or new connections would be handled and if there should be a price for inspections. Staff responded that they are not at that point yet and noted

that they are working toward it. Parties talked about possible solutions and future code suggestions.

- Staff indicated that part two, the Fiber System Code would go to the Planning Commission as it deals with land use ordinances, so they would be the one to further study, set a public hearing and make a recommendation to the Council.
- The Council agreed to set PCC 7-12 for a public hearing.

1 HR. 39 MIN. 20 SEC.

➤ **Item No. 9 Mobile Food Vendors PCC Introduction:** The Providence City Council will review and discuss creating a new city code regulating Mobile Food Vendors. [\(EXHIBIT\)](#)

- Mayor Alder called item 9, gave a brief introduction and asked Council if they had any questions or comments regarding the proposed code.
- Council Member Speth asked if section 3-13-5 (b) was too restrictive. Commented on the definition of merchandise and branded merchandise. Skarlet Bankhead commented on variety vendors who would be allowed to sell more than just branded merchandise but that it is a different license. Informed that this code strictly deals with food, beverage and branded merchandise that promotes their business.
- Council Member Sealy asked about mobile business reference on line 11. Mrs. Bankhead explained to the Council that the State governs or regulates a lot of mobile vendors, so a lot is taken from State code or referenced or adopted with State code.
- Parties talked about clarifying branded merchandise and what it specifically means. The Council asks if staff could clarify the wording or definition a bit. Staff responded that they would.
- Parties addressed restroom facilities and prohibited acts such as vendors not being allowed to serve food off the grill or smoker. Staff commented that this code would apply to vendors at city celebrations.
- Skarlet Bankhead commented on the sale and use tax procedures and how that regulates vendors and who has to apply or report to the State for such taxes and sales.
- Parties conveyed the requirement of inspections. Staff respond that the State implements health and fire inspections.
- Parties discussed conditional use and who would be responsible for applying. Mrs. Bankhead noted that the Council didn't have to make them conditional uses and could remove that section if they so choose. The Council agreed that conditional use would be fine. Agreed to set item for a public hearing.

1 HR. 58 MIN. 05 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:

- Asked Council if they wanted the three recent items that have been approved for public hearings to be split up or on the same day. Council responded that they would like them all on the same day.

- Regarding the Justice Court they found a Judge to cover this Monday but that we are still in the process of looking for a long-term interim judge until Council decides what to do in the long run. Asked Council if they would be ok with the court changing days and going completely virtual. The Council responded that they would be ok with that.

Rob Stapley:

- Remarked that he and his staff are very busy with snow removal and truck maintenance. Would like the Council and city to spread the word that removing snow to widen the road is necessary to prepare for the next round of snow and that yes at times that snow will end up in peoples driveway. They have gotten a lot of complaints from citizens regarding the plowing of roads but again reiterated that they are doing what needs to be done and what is best for the city and its people.
- Council commented that the city does a great job of snow removal and has the best plowed streets in the valley. Council asked how best to approach residents who complain about snow being pushed in their driveway and those residents who push snow into the roads. Rob Stapley responded that it is best to keep your cool and inform them that they are violating city code to put snow back into the roads.
- Rob Stapley noted that there has been a lot of truck maintenance that has been needed but that they are getting the job done.
- Parties highlighted the best practice of removing snow around the curb to help out the snowplow drivers.
- Council Member Nebeker asked if school late starts helps the drivers with plowing the snow around the school. Rob responded that any extra time to make a couple of passes on a road without having to deal with parked cars is always helpful.
- Council Member Speth commented that citizens should be happy and grateful that the city does such a great job at keeping the roads clear and that dealing with a little bit of pushed snow back into their driveway is a very little problem or concern.

Skarlet Bankhead:

- Reported that Sheyler is responsible for plowing the city's public sidewalks and does his best to clear the sidewalks but indicated that they are at point where they have gotten so much snow that he is unable to pile higher and has to go wider based on the snow plow bucket not being able to be risen up.
- Submitted the City's income housing report that has been required by the State and noted the difficulties she has had in preparing that report and submitting it. Commented that the State seemed to always have something that needed to be fixed. Council Member Sealy asked if she had learned anything to help with future filings. Mrs. Bankhead responded that she had and that most of the difficulties came from not knowing what the State really wanted; and understanding that at times the State didn't know what they wanted with these reports. Advised that the State seems more concerned about the details than the results. Commented that she is trying to incorporate the required strategies into the staff reports for the Planning Commission to show the city is doing what they can to comply and to have a record of using what we said we'd try and use.
- Commented on the first-time home buyer program and issues and limitation she sees with that program. States that only new builds qualify for the program. Parties commented on the program, the housing market and who that program actually benefits.

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Ryan Snow:

- Reported that fiber subscribers continue to rise and that we are seeing around 50 new subscribers a month, so we are making good progress with fiber. Noted that he and Rob went out today inspecting the fiber connections and construction to really evaluate that we have a good product on our hands and that we shouldn't have to many issues.
- Talked about the new amended fee schedule and the increase in Sewer and Stormwater and showed an 30 year budget projection that shows that it was necessary to allow the city to continue to benefit or have a cash flow so that future projects could be covered. f
- Commented that it is grant writing season and is working on a few grants for the city and will have more information when the time comes to submit those grants.
- Is here to help the City Council understand some of the issues that staff are dealing with and invites the Council to ask any questions at any time.
- The Council thanked Ryan Snow for all his hard work.

Motion to adjourn meeting. – Council Member Speth. 2nd- Council Member Kirk.

Vote:

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

Nay-

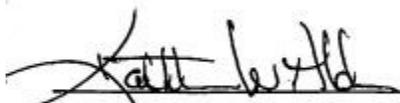
Abstained-

Absent-

Motion passes, meeting adjourned.

Next Council meeting will be February 21st.

Minutes approved by vote of Council on 21st day of February 2024.



Kathleen Alder, Mayor



Ty Cameron, City Recorder