

PROVIDENCE CITY COUNCIL MEETING MINUTES

Wednesday August 16th, 2023, 6:00 PM

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

To view the video recording of the meeting please visit the City's YouTube Channel found [HERE](#).

Timestamps of the YouTube recorded meeting can be found above the item as **HR. MIN. SEC.**

Opening Ceremony:

Call to Order: Mayor Alder

Roll Call of City Council Members: Mayor Alder, Council Members Paulsen, Kirk, Sealy, Speth & Nebeker.

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

Pledge of Allegiance: Council Member Sealy

Opening Remarks/Prayer: Mayor Alder

3 MIN. 10 SEC.

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

- Mayor Alder called for Council reports.

Council Member Nebeker:

- Commented on the purpose of these reports and responsibility of informing the citizens about what goes on in the city.
- Conveyed that having been here now for 1 ½ years, he can see that the city has a really good Mayor and City Council and appreciates the time and effort that Council and the Mayor put into their positions. Also appreciates the City Manager, Ryan Snow, and all the work that he and his staff do to keep the city going.
- Commented that he appreciates residents who run for office and serve the city.

Council Member Speth:

- Advised residents that when it comes to emergency preparedness not to be complacent but be prepared for anything. Counseled citizens to prepare themselves and their families for all types of emergencies.

Council Member Sealy:

- Indicated that the school board meetings would be starting back up now that the school year is about to begin.
- Showed gratitude for those who have contributed to and served the city, especially those who have helped with the city celebration this week. Commented that the City Celebration Committee has put in a lot of time and hard work to make sure that the Sauerkraut Days is a success and thanked them for all they do.

Council Member Kirk:

- Youth Council is getting underway as they have been busy cleaning the float and are ready for tomorrow's parade, as well as representing the city in other upcoming parades this year.

Council Member Paulsen:

- Commented that he has been traveling a lot and did not have much to report. Echoed what has been recently said by other Council Members regarding their appreciation for those that serve the city and the time and effort that goes into it.

Mayor Alder:

- Thanked the Council for all their hard work and dedication as well as Nicole Bone and Ashley Poole who have done so much to chair the city celebration this year.
- Thanked Council for their reports and closed the Council report portion of the meeting.

Approval of the minutes:

10 MIN. 20 SEC.

- **Item No. 1 Approval of the Minutes:** The Providence City Council will consider for approval the minutes of July 19th 2023 . [\(MINUTES\)](#)

- Mayor Alder called for the approval of the minutes of July 19th, 2023.
- No corrections were made or requested.

Motion to approve the minutes of July 19th, 2023 – Council Member Kirk. 2nd- Council Member Sealy.

Vote:

Yea- Council members Paulsen, 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.

- Mark Thompson, Wellsville resident, commented on the Sauerkraut Days and its history and past events. Commented on item 7 of tonight' agenda and stated that he believed that he had the first right of refusal and has concerns.
- Nicole Bone, City Celebration co-chair, thanked staff and Council for their support and participation in this year's Sauerkraut Days. Gave a recap of the recent events and upcoming events which included the Historic Preservation Commissions downtown historic tour, the pickleball tournament, which happened last night and continues tonight, the parade and drone show, the ping pong ball drop and the pancake breakfast that the Ridgeline Marching Band would be helping with. Informed that they had a lot of good prizes this year such as an E-bike and some high-end grills from Blackstone.
- Mayor Alder asked staff if any comments had come in via text or email. Staff responded that no comments had come in.
- Mayor Alder closed the public comment portion of the meeting.

Presentations/Public Hearings:

19 MIN. 00 SEC.

➤ **Item No. 2 Diaper Need Awareness Week Proclamation:** The Providence City Council will proclaim September 18-24 as Diaper Need Awareness Week. **(LITTLE LAMBS FOUNDATION LTR)** & **(PROCLAMATION)** & **(PRESENTATION)**

- Mayor Alder called item 2, gave a brief introduction and asked Ted Chalfant to introduce himself and his organization.
- Ted Chalfant introduced himself and talked about his organization, the **Little Lambs Foundation**, and how it all started, their history and their purpose. Announced that with this proclamation they are trying to raise awareness regarding the need for diapers for families in the valley. Reported that 47% of babies or toddlers in diapers were considered in need of more diapers.
- Relayed personal accounts of individuals and families who have used their organization. Reported that during the covid pandemic they helped an estimated 600,000 people in 2019-2020. Reiterated the need to spread awareness of diaper needs and where someone can go for help.
- Mayor Alder read the proclamation on the record.
- Council Member Sealy asked if the organization accepts cloth diapers. Mr. Chalfant indicated that he has not had a request for cloth diapers since 2018 as most people who use the organization are usually low income and use laundromats to wash their clothing and laundromats don't allow the washing of cloth diapers for sanitary reasons.
- The Council thanked Mr. Chalfant for his presentation. Mr. Chalfant thanked the Council for allowing him to present.

Resolutions/Ordinances:

31 MIN. 15 SEC.

- **Item No. 3 Resolution 08-2023: Cache Valley Transit District Board Apportionment:** The Providence City Council will review, discuss, and may take action on a resolution supporting the board apportionment of the Cache Valley Transit District. [\(LETTER\)](#) & [\(RES 08-2023\)](#)

- Mayor Alder called item 3, gave a brief introduction, and indicated that Todd Beutler from CVTD was here tonight to present this item.
- Todd Beutler gave an overview of why this item was before the Council and the need to change the board apportionment due to changes in State Law. Approving this would make sure that CVTD is in compliance with the new requirements. Talked about how the district apportionment was set up and what this resolution, if passed, would allow them to accomplish.
- Council Member Sealy asked about the percentage of service or routes and votes. Mr. Beutler indicated that Logan does have most of the service or routes, which is why they would have 4 votes. Parties talked about the other cities and services.
- Mr. Beutler commented that this request was more about service mobility rather than political boundaries.

Motion to approve resolution 08-2023 Cache Valley Transit District Board Apportionment as it has been presented – Council Member Speth. Council Member Kirk.

Vote:

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

Ney-

Abstained-

Absent-

Motion passes, resolution 08-2023 approved.

Agreements, Contracts, Bid Awards:

37 MIN. 05 SEC.

- **Item No. 4 Re-appointment of Planning Commission Chair & Vice Chair:** The Providence City Council may discuss and approve by vote of Council the re-appointment of the Planning Commission Chair Michael Fortune and the Planning Commission Vice Chair Brian Marble.

- Mayor Alder called item 4, gave a brief introduction, and indicated that the Planning Commission met a few weeks ago and motioned to re-appoint Michael Fortune as the chair and Brian Marble as the vice chair and that now Council should ratify their appointment.
- Council Member Sealy asked about term length. Mayor Alder responded that they serve for 1 year at a time.

Motion to ratify the re-appointment of Michael Fortune as Planning Commission chair and Brian Marble as Planning Commission co-chair – Council Member Sealy. 2nd – Council Member Speth.

Vote:

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

Ney-

Abstained-

Absent-

Motion passes, Michael Fortune is re-appointed as the Planning Commission Chair and Brian Marble is re-appointed as the Planning Commission Co-Chair.

38 MIN 30 SEC.

➤ **Item No. 5 Logan City Garbage Removal Contract:** The Providence City Council will review, discuss, and may take action on an agreement with Logan City to provide garbage removal services as outlined in the contract. **(AGREEMENT)**

- Mayor Alder called item 5, gave a brief introduction and asked Ryan Snow to give an overview of the agreement.
- Ryan Snow detailed that this agreement essentially extends their garbage removal services, that they have with Logan city, until April of 2024 when the city will hopefully have their own garbage trucks and can provide garbage removal services in-house.
- Mr. Snow reported that they are still working on finalizing the new routes and schedules, as that will change a bit from what is currently in process.
- Mr. Snow relayed that the agreement has been reviewed by city staff and the city attorney. A few changes were made but Logan city had no issues with those changes.
- Council Member Speth asked if there might be any possible hiccups or issues. Ryan Snow responded that it is always a possibility, but that Logan City seems to be more than willing to help out if any issues arise. Logan City has conveyed that they are willing to work with us as we set about initializing this service ourselves.

Motion to approve the interlocal agreement with Logan City for garbage removal services as has been presented – Council member Speth. 2nd – Council member Paulsen.

Vote:

Yea- Council members Paulsen, Kirk, Sealy, Speth & Nebeker.

Ney-

Abstained-

Absent-

Motion passes, contract will be signed and approved. Logan city will continue to assist the city with garbage removal services.

42 MIN. 15 SEC.

➤ **Item No. 6 North Atlantic Imports LLC Public Improvement Installation Agreement:** The Providence City Council will review, discuss, and may take action on an agreement between Providence City and North Atlantic Imports LLC for public improvement installations. **(AGREEMENT)**

- Mayor Alder called item 6, gave a brief introduction, and shared that this agreement was for the construction of a regional lift station on the west side of the highway. Asked Ryan Snow to give more details regarding the agreement.
- Ryan Snow reported that the city's master plans has identified the need for a lift station in this area of the city. The lift station will service future development for this area. Talked about what size they are looking at constructing and the possible layout. Ryan relayed that the lift station would be built in conjunction with the Blackstone development that is taking place in that area west of the highway 165 and remarked that since they were developing that area it made sense for both parties to come together to get this lift station built at the same time.
- Council Member Speth asked about the size of the connection line. Staff responded that it would be a 15-inch line. The line would extend to the north to the lift station and then be pressurized to go to the line in the highway.
- Council Member Sealy asked about the impact fees and funding source. Ryan Snow responded that the cost would come from the impact fee funds that are already available and that the impact fees that come from developments in this area would go into the fund for other purposes or future projects around the city.
- Kiel Berry, Attorney for Blackstone, commented on the agreement and cost sharing for this lift station. Relayed that there were no added percentage, but it would be actual cost.
- Parties talked about the bid process and estimates. Council Member Sealy referenced other agreements like this one and language that was used that capped the price and wondered why that language was not included in this agreement. Mr. Snow confirmed that it was in the works to add that language but that the attorney had not gotten back to them. Mr. Snow showed parties what language the city would like included in the agreement.
- Colby Gill, Blackstone representative, discussed the added language, bids and fixed cost price in the agreement, stating that is what the estimate came out as.
- Kiel Berry commented that they would be ok if the additional language of a price cap, was added to the agreement.

Motion to accept, with the added language of a price cap as has been agreed upon by all parties, the Public Improvement Installation Agreement with North Atlantic Imports LLC, conditional on the required acquisition of land needed. – Council Member Sealy. 2nd- Council Member Paulsen.

Vote:

Yea- Council members Paulsen, Kirk, Sealy, Speth & Nebeker.

Ney-

Abstained-

Absent-

Motion passes, agreement approved with the added language of a price cap and contingent upon acquisition of property needed to develop.

56 MIN. 25 SEC.

➤ **Item No. 7 Seth Alder Farms Warranty Deed:** The Providence City Council will review, discuss, and may take action on a warranty deed for the purchase of a tract of land located at 200 West 1700 South here in Providence UT. [\(WARRANTY DEED\)](#) & [\(APPRAISAL REPORT\)](#)

- Mayor Alder indicated that she had a conflict of interest with this item and would step away and allow Council Member Sealy, Mayor pro-temp, to call item.
- Council Member Sealy called the item, gave a brief introduction, and asked about closed session requirements.
- Ryan Snow advised the Council that if they wanted to discuss or negotiate the price of the land then an executive session would be needed. If they were ok with the price and what was being presented, then they could continue as is.
- Council asked about Mark Thompsons early comment regarding his right to first refusal and asked if that was a concern that need to be addressed.
- Kathleen Alder, as resident and party to the proposed deed, informed the Council that a document had been drafted by the Seth Alder Estate that showed Mark Thompson as having right of first refusal to the property but can confirm that the document was never legalized or signed and is therefore not an issue as it is not apart of the trust.
- Alex Bearnson, Seth Alder Farm LLC Representative, commented on the need for a lift station and the city working with Blackstone to develop it. Talked about the evaluation and appraisal of the land that is being sold. Commented all parties will work together amicably to develop this area the best way they can and hopes the city will help with the sidewalk, curb and gutter etc. when the time comes.
- Council Member Kirk commented on the evaluation and that it looks like it would be a great deal for the city.
- The parties talked about the appraisal price and increased footage for reason of the slight increased price difference.

Motion to approve the warranty deed and purchase the land per its appraised value – Council Member Nebeker. 2nd – Council Member Paulsen.

Vote:

Yea- Council members Paulsen, Kirk, Sealy, Speth & Nebeker.

Ney-

Abstained-

Absent-

Motion passes, warrant deed to be signed by parties involved.

1 HR. 09 MIN. 50 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.

- Mayor Alder called for staff reports.

Ty Cameron (City Recorder):

- The new website is getting positive comments and staff continue to make little corrections or updates as needed.

Rob Stapley (Public Works Director):

- Reported that there is a lot of construction going on in the city and that the public works department has been very busy. They are in the process of filling two open positions in the water department.
- The city's water wells are currently running and the Alder Well pump unfortunately is still in the process of getting fixed. The Alder Well had some issues with the motor and now with some of the drilling.
- The testing of a new well is getting underway which will be happening up on the bench sometime next week. Discussion ensued about the testing process and next steps.
- Reported that the new shop is coming right along and should be finished by the end of the month.
- Reported on the current road construction going on in the city.

Skarlet Bankhead (Community Development Director):

- Commented on the Little Lambs Foundation that presented tonight and indicated that the staff has decided this year that donations from Sauerkraut Days will go to Little Lambs and the contributions from the Tree Lighting will go to the Family Place.
- Informed Council that the Cache Summit Conference is coming up in November and that she is serving on the committee, there will be some good speakers for this years conference.
- Has submitted the city's Moderate-Income Housing report that has been required by the State noting that it was submitted on time, but they have not heard back yet from the State regarding its approval.
- Working on code revisions for the ADU and Subdivision ordinances which will go before the Planning Commission in the next few months. The changes being made to the subdivision ordinance reflect changes to the State code. The city has until February 2024 to make the changes. Some of the changes deal with the makeup of the appeal board and who will sit in those seats.
- Reported that she has been fielding requests and questions regarding retaining walls noting that citizens are now more aware of certain requirements that they need to meet in order to build a retaining wall, which is a good thing.
- Thanks those who own vacant lots for keeping their weeds cut low and to a minimum.

Ryan Snow (City Manager):

- Commented that it has been a busy and productive year so far with lots more still underway. Has submitted two applications for grants, one with COG for the 1st South road West of the roundabout and one regarding bike strips and transportation alternatives.

- Reported that the Skatepark is still coming along. Still trying to nail down a design that will work for everyone. Also reported that the trail through Zollinger park has been staked and is moving forward, as well as new striping for the bike lines.
- Discussed with Council the city's master plans regarding stop signs and the process and pricing to have new ones placed as he has had requests from residents asking for a stop sign on Sarah Street and Spring Creek Parkway.
- The fiber project is still going strong with currently two crews are laying down fiber. Hoping to have the main lines done by October.
- Council Member Sealy asked about the fiber cuts in the road and if they will be patched. Staff responded that yes, the large cuts will be paved, and the small ones are filled with mastic.
- Council Member Kirk asked if there was a start date for the Skatepark. Mr. Snow responded that they are still working out the design but that they still plan to start in the fall.
- Parties discussed the fiber project and how great it has been. The Council thanked Ryan and the staff for all that they do.

Motion to enter executive session – Council member Sealy. 2nd – Council member Speth.

Vote:

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

Ney-

Abstained-

Absent-

Motion passes, Council enters executive session.

Executive Session Notice:

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

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

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

Motion to exit executive session – Council Member Kirk. 2nd- Council member Sealy.

Vote:

Yea- Council members Paulsen, Kirk, Sealy, Speth & Nebeker.

Ney-

Abstained-

Absent-

Motion passes, Council exit executive session.

Motion to adjourn city council meeting – Council Member Kirk. 2nd – Council Member Sealy.

Vote:

Yea- Council members Paulsen, Kirk, Sealy, Speth & Nebeker.

Ney-

Abstained-

Absent-

Motion passes, meeting adjourned.

Next scheduled city council meeting September 20th, 2023.

Minutes approved by vote of City Council on ____ day _____ 2023.

Kathleen Alder, Mayor

Ty Cameron, Recorder