

1 **PROVIDENCE CITY COUNCIL MEETING**

2 **Providence City Office Building**

3 **15 South Main, Providence UT**

4 **January 10, 2006 6:30 p.m.**

5
6 **Attendance:** Mayor: Randy T. Simmons
7 Council: Kathy Baker, Stacie Gomm-6:10, Deon Johnson, Ron Liechty,
8 Trent Rasmussen
9 City Recorder: Skarlet Bankhead
10 Public Works Director: Randy Eck

11 **The Providence City Council will begin discussing the following agenda items at 6:00 p.m.**
12 **Anyone interested is invited to attend.**

13 **Call to Order:** Mayor Simmons **Roll Call of City Council Members:** Council
14 **Pledge of Allegiance:** Trent Rasmussen **Opening:** Ron Liechty

15
16 **Presentations and Proclamations:**

17 **Item No. 1. Cory Jensen, of the Office of Historic Preservation – Utah Division of State**
18 **History, will present information on the creation of historic districts. An historic district is**
19 **area or neighborhood that has a concentration of historic buildings (50 years or older)**
20 **which retain their architectural integrity and represent an important aspect of the city’s**
21 **history (periods of growth, historic, architectural styles, etc).**

- 22 • Karl Seethaler, Providence City Historic Preservation Commission (HPC) Chair,
23 explained a reconnaissance level survey had been completed, which delineated historic
24 sections of the City and categorized historic structures therein. The project was funded
25 by a grant from the Utah Humanities Council and Utah Division of State History, with a
26 match by the City.
- 27 • K Seethaler reported the HPC would like to be involved in the 150 year sesquicentennial,
28 which will be in 2009. They would also like to recommend and assist with the
29 preparation and publication of a new edition of Providence and Her People. The HPC
30 suggested having the new edition available for the sesquicentennial activities.
- 31 • K Seethaler reported the HPC is working on an oral history project, which was funded by
32 a grant from the Utah Humanities Council and Utah Division of State History.
- 33 • K Seethaler reported the HPC would like to apply for a grant to research and develop a
34 plan for the creation of a historic district. He introduced Cory Jensen from the Office of
35 Historic Preservation – Utah Division of State History.
- 36 • C Jensen reported the reconnaissance level survey showed a good number of historic
37 buildings. The survey did not identify the properties less than 50 years old. C Jensen
38 recommended counting the newer properties to show the actual concentration of historic
39 buildings. C Jensen recommended a ratio of 70% of historic and contributing buildings
40 to 30% newer or other buildings.
- 41 • C Jensen explained the creation of a district does not limit property owners of included
42 properties from changing the structure. C Jensen explained properties within the district
43 can be changed, but may not qualify for tax incentives at that point.

- 1 • C Jensen explained the district can be modified; but there is a process to follow.
- 2 • C Jensen explained the grant applications are available and should be returned as soon as
- 3 possible. K Seethaler explained the City has an opportunity to obtain funding toward the
- 4 creation of a historic district. He would like the support of the Council before proceeding
- 5 with the grant application. The maximum grant is \$3,000 with a 50/50 match. The grants
- 6 are given in April; the work must be completed within 15 months.
- 7 • C Jensen explained the City would put together a RFP for a consultant to complete a
- 8 nomination for the national register. A nomination has two parts, architectural styles and
- 9 a statement of significance. There will be property evaluation research and some census
- 10 research. A nomination can be up to 20 to 30 pages in length.
- 11 • The Council requested a resolution supporting the creation of a historical district and
- 12 identifying funding and budget allocations.
- 13 • Jay Hicken, HPC member, reported the HPC has used previous grants for the original
- 14 survey and oral histories. He felt the State could provide the City with a list of
- 15 individuals that would be qualified to submit a RFP. He felt the proposal would be
- 16 written to accomplish the task with the specified amount of money.

17 **Item No. 2. Dan Turner, Turner Design Engineering, Inc., will present a concept for**
18 **transportation planning for east bench properties owned by Stan Checketts, Baer/Nixon,**
19 **Dan Hogan, Checketts Farm LLC.**

- 20 • Dan Turner reported he was acting on behalf of four properties, commonly called the east
- 21 bench of Providence. He explained in 1978 and 1979 agreements were entered into with
- 22 Jack Nixon and Dan Hogan respectively. Since that time, Stan Checketts has purchased a
- 23 large amount of property in the area. Most recently Jamie Gull has expressed interest in
- 24 purchasing the Art Checketts property. This creates a situation of four property owners,
- 25 willing to work together, to provide transportation corridors. He felt growth could be
- 26 managed with developments connecting roads and infrastructure to create a pleasing
- 27 design for the City and the developers.
- 28 • D Turner felt this presented an excellent opportunity to bring about an alternative to the
- 29 Center Street access for the upper east bench properties. D Turner explained the
- 30 connection to Canyon Road will be challenging, but can be done. The property owners
- 31 are asking for a consensus that the Council will look at developing the area, and allow the
- 32 transportation corridors to be created with the development, based upon a conceptual
- 33 plan. D Turner explained building the road before development occurs is economically
- 34 impossible. He felt the east bench would take years to reach full development.
- 35 • R Liechty was very concerned about the amount of traffic flowing to Canyon Road. He
- 36 felt the north access was still critical. D Turner agreed, but explained there is a small
- 37 section that is controlled by a property owner that is not interested in the road going
- 38 through. D Turner felt Center Street could handle more traffic; but an alternative access
- 39 was very important.
- 40 • R Liechty felt if it would take 30 years to develop the connection that would be too long
- 41 for Center Street to handle the entire area – the north connection is critical. D Turner
- 42 explained the first priority with the four property owners is to reach Canyon Road, with
- 43 the understanding that Canyon Road will need to be improved.

- 1 • S Gomm stated she would prefer to see the first areas developed to be at the connecting
2 points. D Turner stated the Council would need to determine what the “road” to the
3 north should be. If it is full right-of-way with curb and gutter, it is cost prohibitive; if it
4 is 24 feet of asphalt, the developers would be willing to put it though when the remaining
5 property owner will allow it.
- 6 • S Gomm felt the point was well taken the placement should be decided. She wanted to
7 know who would build the road, and when the road would be built.
- 8 • D Johnson felt it was premature to consider development until the transfer of water rights
9 is resolved. He felt in a disaster, if Center Street failed, there would be problems. D
10 Turned explained in a disaster a temporary road could be built through Von’s Park, past
11 the City Shop area. D Turner felt the 1978 and 1979 documents cover the water for
12 development. D Johnson explained there are some questions that need to be resolved.
- 13 • Mayor Simmons explained the City wants to be discussing the upper bench roads; but
14 there is a process, recommendations come through the Planning Commission to the City
15 Council. He felt this was a beginning. He explained joint sessions with the Council and
16 Planning Commission will be scheduled.

17 **Consent Calendar:** All matters listed under the Consent Calendar are considered to be
18 routine and all will be enacted by one roll call vote. There will be no separate discussion of
19 these items unless members of the City Council, the public, or staff request specific items
20 be removed from the Consent Calendar for separate action.

21 **Item No. 1. Approval of the minutes for the December 13, 2005 City Council Meeting.**

22 **Item No. 2. Resolution 06-001. The Providence City Council will consider for adoption a**
23 **resolution reappointing Skarlet Bankhead as the City Administrator/Recorder and Brenda**
24 **Nelson as the City Treasurer.**

25 **Item No. 3. Resolution 06-002. The Providence City Council will consider for adoption a**
26 **resolution appointing Alma H. Leonhardt to serve as a member of the Historic**
27 **Preservation Commission.**

28 Motion to adopt the consent calendar – R Liechty, second – D Johnson

29 Correction for minutes:

- 30 • Page 2 and Page 5 ~~R Liechty~~ S Checketts and V Saunders

31 Vote: Yea: Kathy Baker, Deon Johnson, R Liechty, T Rasmussen

32 Nay: None

33 Abstained: None

34 Excused: S Gomm

35 **Public Comments:** The City Council will hear comments from the public. There will be a
36 three-minute time limit per person and an overall time limit of fifteen minutes for the
37 Public Comments portion of the agenda. Members of the public are expected to maintain a
38 professional, courteous decorum during their comments. All comments are to be directed
39 to the City Council and shall not consist of any personal attacks. State law prohibits the
40 City Council from taking action on a specific item unless it appears on the posted Agenda.

41 Development of upper east bench area:

- 42 • Everett Barney reported he has talked with Jay Rinderknecht. He has been told the
43 developers will not get permission to cross the Rinderknecht property. He felt if

1 permission was given to develop the Stan Checketts property it will put the traffic on 400
2 East which is too small. He did not feel 400 East would work.

- 3 • Richard Eames explained he served on the Council in 1978 and 1979 and they had the
4 same concerns. He explained the Council asked for road designation 25 years ago – and
5 the developers did not do it.
- 6 • Dan Hogan explained his annexing document, signed by Clyde Braegger, is very specific.
7 He explained the developers improved roads, gave water, and dedicated park land which
8 applied to the annexed portion and the unannexed portion. D Hogan felt the Nixon
9 agreement was very similar. He explained this was all done up front. He felt he and
10 Nixon had a little different twist than the S Checketts and A Checketts properties. He
11 explained vehicles travel many different paths. He explained he has a 31 acre piece with
12 about 60 lots, open space, and trails. The Nixon property is smaller. J Nixon felt they
13 would have about half the amount of homes. D Hogan felt Center Street was a City
14 problem more than a developer problem. He explained developers have as much interest
15 in their property as residents do.

16 **Infrastructure and cul-de-sacs:**

- 17 • Mimi Rector expressed concern about the cost of the new infrastructure on the taxpayers.
18 Mayor Simmons explained the roads are generally paid for by the developers. She also
19 expressed concern about the use of cul-de-sacs.

20 **Home occupations and home businesses:**

- 21 • Mary Hubbard expressed concern about the types of home occupations and businesses
22 that are allowed in residential neighborhoods.

23 **Public Hearings: There are no Public Hearings scheduled for tonight's meeting.**

24
25 **Unfinished Business:**

26 **Item No. 1. Ordinance Modification 001-2006. The Providence City Council will consider**
27 **for adoption an amendment to Providence City Code 8-1-4:B. Water Use and Service:**
28 **Statement of Charges; Delinquency, Failure to Pay. (This change was discussed during the**
29 **December 13, 2005 Council Meeting.)**

30 Mayor Simmons read the proposed change.

31 **Motion to approve Ordinance Modification 001-2006 – S Gomm, second – D Johnson,**

- 32 • R Liechty felt the \$15 charge just added to the problem. He felt eliminating the fee
33 would help resolve the delinquency. K Baker agreed.

34 **Vote: Yea: Kathy Baker, S Gomm, Deon Johnson, R Liechty, T Rasmussen**

35 **Nay: None**

36 **Abstained: None**

37 **Excused: None**

38 **New Business:**

39 **Item No. 1. Ordinance Modification 002-2006. The Providence City Council will**
40 **consider for adoption an amendment to Providence City Code 10-12 Accessory Dwelling**
41 **Units by prohibiting the approval of new accessory dwelling units.**

42 **Motion to approve Ordinance Modification 002-2006 – R Liechty, second – K Baker,**

- 43 • R Liechty reported during the Planning Commission discussion some audience members

1 wanted the use to stay with the home not the owner. R Liechty explained the current
2 ordinance was read stating the use has always been temporary.

- 3 • R Liechty felt the spirit of the use had been diluted to the point that accessory dwelling
4 units should no longer be approved. He explained the City is saying family members,
5 such as an elderly parent, can still move in with the family; there just can't be a
6 completely separate living apartment.
- 7 • R Liechty reported there were about 25 existing ADUs throughout the City. They will be
8 permitted to stay until the home is sold.
- 9 • S Gomm explained the City does not have a problem now; but saw more happening in
10 new development than the City wanted to see.

11 Vote: Yea: Kathy Baker, S Gomm, Deon Johnson, R Liechty, T Rasmussen

12 Nay: None

13 Abstained: None

14 Excused: None

15 **Item No. 2. Resolution 06-003. The Providence City Council will consider for adoption a**
16 **resolution approving the final plat for the Rosenberg Minor Subdivision; a two (2) lot**
17 **subdivision located generally at 50 East 100 South.**

18 Motion to adopt Resolution 06-003 – S Gomm, second – R Liechty,

- 19 • R Liechty explained originally this was a four lot inner block development. He explained
20 the staff recommended the sidewalk be installed as part of the development. There is a
21 small section of sidewalk east of the Rosenberg Subdivision that will need to be
22 completed to connect to the existing sidewalk from the east.

23 Vote: Yea: Kathy Baker, S Gomm, Deon Johnson, R Liechty, T Rasmussen

24 Nay: None

25 Abstained: None

26 Excused: None

27 **Item No. 3. Resolution 06-004. The Providence City Council will consider for adoption a**
28 **resolution approving a conditional use for an electronic sign for a building located**
29 **generally at 585 West 100 North.**

30 Motion to accept Resolution 06-004 – R Liechty, second – D Johnson,

- 31 • R Liechty reported the Planning Commission recommended a maximum of 32 square
32 feet. He stated they are concerned about the sign flashing vs. a reader. They suggested a
33 timer if a flashing sign is allowed.
- 34 • Mayor Simmons invited Bob Bissland and Jerry Fuhriman to discuss the flashing. B
35 Bissland explained this is like a LED television; what these signs do is flash. B Bissland
36 felt a reader would be great, but this is like a high-definition TV screen.
- 37 • S Gomm felt the sign would look more like a TV scene.
- 38 • K Baker expressed concern about defining flashing. B Bissland did not feel the City had
39 a clear understanding of how the 9 businesses would share the space of the sign.
- 40 • S Gomm did not know if the applicant could predict future business owners. She felt that
41 9 businesses sharing one sign would want their advertisement image held for view.
- 42 • The Council explained this is not a freestanding sign.
- 43 • Jerry Fuhriman suggested a dissolving unit, where one image blends into another.

- K Baker would like to add the merging condition.

Motion to amend to add a condition that the LED sign have images that transition (dissolve) into each other rather than flash – K Baker, second – T Rasmussen.

- S Gomm felt this condition would be very difficult to control.
- K Baker withdrew the amendment.

S Gomm called for question.

Vote on question: Yea: Kathy Baker, S Gomm, Deon Johnson, R Liechty, T Rasmussen

Nay: None

Abstained: None

Excused: None

Vote on motion: Yea: S Gomm, Deon Johnson, R Liechty, T Rasmussen

Nay: K Baker

Abstained: None

Excused: None

Staff Reports: Items presented by Providence City Staff will be presented as informational only.

Randy Eck, Public Works Director:

Landscaping for Hwy 165 from 100 North to 300 South:

- R Eck requested the Council consider landscaping requirements for the parking strip along the Highway. He explained has place yellow ribbons at 120-foot intervals on the trees along 100 North. He also staked a 150-foot wide entry (50 feet for the access and a 50-foot line of sight on each side) on the west entry of the church located at 420 West 100 North. S Gomm requested an 80-foot line of sight be marked.
- T Rasmussen asked about additional traffic lights on the Highway. R Eck explained UDOT is not in favor of an additional traffic light. He felt the best chance would be at 300 South.

Street Cross-Sections:

- R Eck reported the staff is working on recommendations for street cross sections. He will try to have pictures of various street widths for the Council at the next meeting. Mayor Simmons asked the council to consider how much asphalt the City wants to maintain.

Skarlet Bankhead, City Administrator:

Impact Fee Analysis and Capital Facilities Plan update:

- S Bankhead reported the selection committee selected two proposals for further review. They have asked the applicants for budget estimates; one response has been received by the City, the second firm will be sending their response next week.

Zoning Code, Subdivision Code, Construction Specs and drawings:

- S Bankhead reported the Development Review Committee started the review process of the Construction Specifications and Drawings along with the Zoning and Subdivision Codes to resolve conflicts within the different sections.
- S Gomm wanted to act on the Zoning Code before the review is complete. She felt it was necessary the Zoning Code be updated immediately.

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

5 Council information items include but are not limited to the following:

6 **Item No. 1. Newly Elected Officials Training, sponsored by the Utah League of Cities and
7 Towns will be held January 21.**

8 **Item No. 2. A City Council retreat will be held January 28.**

9 Council Member Stacie Gomm:

10 100 South task force:

- 11 • S Gomm reported the task force met on Wednesday, January 4. Task force members are
12 S Gomm and R Liechty (representing the City Council), Kristina Eborn (representing the
13 Planning Commission), Harold Stack (residents east of 200 West), Kent Dunkley
14 (residents west of 200 West), and Elaine Anderson (owners of raw land west of 200
15 West).
- 16 • S Gomm explained the lines of communication are being filtered to the individuals on the
17 task force to clean up the confusion in communication.
- 18 • S Gomm explained the task for listed suggestions and the listed pros and cons for each
19 suggestion. She explained this was not consensus, just brainstorming. Members are to
20 discuss the suggestions with their respective groups and be prepared to rank the
21 suggestions at the January 25, 6:30 p.m. meeting.
- 22 • D Johnson felt it was important that the sewer line be installed. S Gomm explained at the
23 beginning of the meeting it was stated that the water and sewer line would go through;
24 the installation of the lines was not subject to debate.
- 25 • S Gomm explained the road is a public use road. The residents are currently maintaining
26 the east portion of the road.
- 27 • K Baker asked about the possibility of a one-way street to the west. R Liechty felt there
28 may be problem with people wanting to travel east to the commercial area. Mayor
29 Simmons suggested the one-way could end at the future intersection of 100 South and
30 Spring Creek Parkway.
- 31 • S Gomm explained she is hoping to present proposals at the February 14th council
32 meeting.
- 33 • K Baker expressed concern about some of the raw property going commercial with multi-
34 family residential west of it. S Gomm explained the property owners are thinking of
35 multi-family as commercial. The property owners are looking for transitions between the
36 uses. S Gomm felt there were many positive things discussed. The task force would like
37 the zoning established.
- 38 • Mayor Simmons reported the staff researched the maintenance of the road in the minutes
39 and found no council decision. It appears it was an administrative decision. Mayor
40 Simmons explained the staff is seeking guidance from Jody Burnett. Mayor Simmons
41 asked for a feeling of the Council on the maintenance. R Liechty felt the decision should
42 wait until the Task Force has time to work. R Eck explained the Postmaster has
43 requested the road be graded. Mayor Simmons reviewed is response to Kent Dunkley. R

1 Eck explained the bidding process for the maintenance was put on hold waiting for a
2 decision on who would pay. S Gomm felt maintenance should be discussed further before
3 making a decision. Mayor Simmons explained the City needs to explore the legal
4 liabilities of private citizens maintaining the road.

5 Council Member Ron Liechty:

- 6 • Report was given during agenda discussions.

7 Mayor Randy Simmons:

8 400 East from Canyon Road south workshop

- 9 • Mayor Simmons reported the Planning Commission and City Council will be discussing
10 the area during a workshop on Wednesday, January 11. The public will be invited to
11 attend; but allowing public comment will be optional.

12 City Council Retreat:

- 13 • Mayor Simmons reported the City Council Retreat is scheduled for January 28, at 10:00
14 a.m., A presentation on structuring the budget around goals rather than tasks will be
15 facilitated by Ann Wescott. She has been a budget officer for Salt Lake City, worked at
16 ULCT, and is now a consultant.
- 17 • Mayor Simmons asked about involving the Planning Commission in the Retreat. S
18 Gomm suggested meeting with the Planning Commission on the Friday night before the
19 Retreat.
- 20 • R Liechty felt the Council should meet to set goals as a Council.
- 21 • S Bankhead and R Eck will also be invited.

22 Spring Creek Water Company:

- 23 • Mayor Simmons met with Doran Baker, Spring Creek Water Company President. Mayor
24 Simmons suggested a committee with representatives from both of the water companies,
25 city staff, and council that would meet regularly. He reported D Baker agreed with the
26 committee.

27 Meeting policy:

- 28 • Mayor Simmons explained he has established a policy that if he meets with people
29 regarding issues that may involve council decisions, he will also involve appropriate
30 staff, and send a memo of understanding. These memos will be kept in a file in the main
31 office. If there is not a memo, signed policy, signed permit, or in the minutes, it didn't
32 happen.
- 33 • S Gomm felt these documents, while not official, would serve a purpose. It will also be
34 the responsibility of the memo recipient to submit corrections.

35 Council Member Deon Johnson:

36 Water transfer:

- 37 • The City is still waiting for the outcome on the water right transfer.

38 100 South Maintenance:

- 39 • D Johnson felt the intent of the Mayor's letter regarding maintenance on 100 South was
40 good. He appreciated the willingness of the residents to participate in maintenance but
41 felt it was the City's responsibility. He did not feel the City performing maintenance
42 should be considered a "ram it down the throat issue" or "strong opposition."

43 Council Member Kathy Baker:

- 1 • No report
2 Council Member Trent Rasmussen:
3 Sauerkraut Days:
4 • T Rasmussen would like to put an exclamation point on the Sauerkraut Days Festival. S
5 Gomm explained to date the City staff has overseen the celebration.
6 Motion to adjourn – R Liechty.
7
8 Minutes taken and prepared by S Bankhead.

9
10
11
12 _____
Randy T. Simmons, Mayor

Skarlet Bankhead, City Recorder