

1 **PROVIDENCE CITY COUNCIL MEETING MINUTES**

2 **January 23, 2007**

3 **Providence City Office Building**

4 **15 South Main, Providence, UT**

5
6 Call to Order: Mayor Simmons

7 Roll Call of City Council Members: Mayor Simmons

8 Pledge of Allegiance: Kathy Baker

9 Opening: Trent Rasmussen

10
11 **PRESENTATIONS AND PROCLAMATIONS:**

12 **Item No. 1. Thank you to Blaine Sorenson for serving two terms on the Planning Commission.**

- 13 • Mayor Simmons introduced Blaine Sorenson and explained that he has served on the Planning
14 Commission since 2000. He was presented a plaque honoring him for his outstanding service.

15
16 **Item No. 2. Employee of the Quarter – 4th Quarter 2006.**

- 17 • Mayor Simmons presented Destry Merritt as employee of the quarter. When she started, she worked at
18 the front desk. She is currently organizing recreational activities and is president of the Western Boys
19 Baseball League in town. He praised her for her competency. He emphasized that she is amazingly
20 nice, polite, and does an excellent job. She was presented with a plaque and a gift certificate.

21
22 **APPROVAL OF THE MINUTES FOR JANUARY 9, 2007 CITY COUNCIL MEETING:**

23 Motion to approve the minutes for January 9, 2007 – D Johnson, Second – T Rasmussen.

24 Corrections:

- 25 • Page 5 of 13, line 13, take to after Mark Teuscher.
26 • Page 2 of 13, line 39, should say to hold same standards as PUD streets because there is a chance they
27 will become city roads.
28 • Page 3 of 13, line 25, should say each homeowner will pay property tax.
29 • Page 3 of 13, line 31, should say land use training.
30 • Page 7 of 13, line 15, Sharell Eames name is spelled wrong.
31 • Page 4 of 13, lines 5, 6, and 7 should say Jody Hoffman explained that Park City has three different
32 sources of water.

33 Motion to approve the minutes for January 9, 2007 with the minutes as amended.

34 Vote: Yea: K Baker, S Gomm, D Johnson, R Liechty, T Rasmussen

35 Nay: None

36 Abstained: None

37 Excused: None

38
39 **PUBLIC COMMENTS:**

- 40 • Blaine Sorenson thanked the City Council for his recognition and expressed that he enjoyed serving on
41 the Planning Commission. He acknowledged that some people are not happy with the way the
42 Planning Commission has taken the City of Providence. He was born and raised in Cache Valley and
43 would like to see Providence grow the right way. He admonished the City Council to keep in mind
44 what is best for the City of Providence.
45 • Marilyn Bell expressed her concern of financing street lights. She explained that in Centerfield, Utah,
46 85 street lamps have been installed in the last few years. She suggested someone contact the city to see
47 how they funded this project.

- 1 • Linda Goetze questioned information in the packet concerning the Land Use Authority or appeals
2 process for innerblock development. She doesn't want to see any case-by-case decisions made on
3 innerblock development. Mayor Simmons said the information concerning innerblock development
4 will be amended. He asked that a motion be made that will not contradict any decisions made at the
5 last meeting.
- 6 • Laura Fisher expressed her sadness that Mr. Barker is no longer selling gas, and that Spence's
7 Pharmacy will not be affiliated with Maceys. Mayor Simmons commented that he does not know the
8 arrangements, but Maceys has the same staff in the pharmacy as before. K Baker explained that
9 Spence's Pharmacy sold Spence's South Pharmacy to Maceys.
- 10 • Mayor Simmons explained that Darcy McEvoy has salt water runoff affecting her lawn and indicated
11 that it will be looked into by the City. Darcy McEvoy said salt has leached into her lawn, and water
12 runoff is being percolated with the salt. S Gomm said the City had helped Milt Campbell with a
13 similar problem. R Eck felt this was a different kind of situation.
- 14 • Denise Strong asked that the City Council not consider development issues until the court issue is
15 resolved and the ordinances are in place.
- 16 • Mayor Simmons stated that Denise Strong is the first person to come to him asking for a fire substation
17 in Providence. She told the Council that she feels there is a growing need for a substation with the
18 businesses and the acres that are to be developed. Unless Providence is proactive, Logan will not
19 assist with staffing and equipping a fire department in Providence.

20
21 **UNFINISHED BUSINESS:**

22 **Item No. 1. Resolution 07-002. The Providence City Council will consider for adoption a resolution**
23 **approving an agreement with Bryon Smith and IHC for the installation of street lights along a**
24 **specific portion of SR165.**

- 25 • Mayor Simmons reminded the Council of a discussion held at the last meeting concerning an
26 agreement with Bryon Smith and IHC installing street lights along SR 165. The resolution is not ready
27 to be presented tonight. He explained that T Rasmussen and K Baker looked at the site and would
28 lead the discussion.
- 29 • K Baker stated that Edwards Furniture had agreed to plant trees. Power lines in front of their business
30 will require the trees to be flat. K Baker and T Rasmussen felt it would be better for Edwards
31 Furniture to put their money into lights. They also felt the City should move south rather than have a
32 strip consisting of one street lamp and a hole repeated along the frontage. K Baker felt the City is not
33 obligated to place the street lamps, but that it should be done.
- 34 • S Gomm wondered if K Baker meant that Edwards Furniture would pay the fee in lieu of the trees, yet
35 they will not have lights in front of their business. Being in lieu of means the City will hold their
36 money. She asked if there will be the same restrictions, or can the City take the fee to place lights in
37 front of someone else's property.
- 38 • S Wyatt explained that in lieu of means those changes can be made if the developer agrees.
- 39 • D Johnson asked if the City will ask Edwards Furniture to put the conduit in as well as the lights.
- 40 • Mayor Simmons explained that they are to put in the conduit in lieu of the trees. He asked for a
41 volunteer to assist him in discussing this proposal with Mr. Smith.
- 42 • T Rasmussen agreed to go with Mayor Simmons 4:30 on Thursday.

43
44 **NEW BUSINESS:**

45 **Item No. 1. Scott Wyatt will discuss the referendum petition.**

- 46 • S Wyatt explained that the referendum petition was circulated seeking names on the ordinance on

1 October 24, 2006. State law provides that the referendum shall be filed within 45 days after passage of
2 the local law. If the normal understanding of the word “passage” the day the City Council voted on the
3 law, then this referendum expired on December 8, 2006. Prior to this date, contact was made to advise
4 them that it was the City’s opinion that the due date was on December 8, 2006. There have been
5 attempts to solicit any authority to suggest the word “passage” used by the law means something
6 different than what it appears to be. After looking in a variety of locations, nothing has been found
7 that will change his decision. It is the opinion of S Wyatt that there will be a lawsuit regardless of
8 what decision is made. The petitions weren’t turned in until December 29, 2006 and January 2, 2006,
9 which is twenty five days after the deadline. He advised the City Recorder to reject the petitions. He
10 has a written opinion from Kenneth Bradshaw reiterating this decision available for the Council.

- 11 • Denise Strong asked if the timeline can be ignored since it is a citizen driven issue.
- 12 • S Wyatt explained that statutes are full of deadlines. It doesn’t matter how worthy the cause is, if the
13 deadline has passed, it is too late. When the Supreme Court has used the word “passage,” they use the
14 day the City Council voted.
- 15 • S Gomm asked S Wyatt if he could share the written opinion and the case laws he cited. S Wyatt
16 acknowledged that Ken Bradshaw, an attorney for the developer, wrote it.
- 17 • R Henderson believed that S Wyatt’s deadline is misleading. In this case, the law was passed on
18 October 24, 2006. A GRMA request on October 26, 2006 asked for a copy of the law. A statute
19 which requires the referenda application to be filed with the City also requires that a copy of the law be
20 attached. He did not receive a response to the request until November 15, 2006. The law had not been
21 signed. The statute says it must be signed by the majority of the Council or by the Mayor. Until it is
22 signed, it is missing that requirement. Immediately upon receiving a copy of the signed law, which
23 was not posted until October 15, 2006, he filed an application for the petition. He felt the City Council
24 had not taken action because of the reaction of the developer. He felt the City Council decides on the
25 side of the developer and makes the citizens bring it to Court. He feels the decision made this night
26 will be reversed because of a legal GRMA request.
- 27 • S Gomm asked for clarification that R Henderson received a copy of the law on October 15, 2006,
28 which was prior to the passage. R Henderson clarified that it was November 15, 2006, which was after
29 the passage.
- 30 • Mayor Simmons asked R Henderson for a copy of his letter. R Henderson said he explained this to S
31 Wyatt, and did not provide him with a letter. Mayor Simmons said he did have a letter at one time and
32 would like R Henderson to give him another copy.
- 33 • K Baker said S Wyatt has a copy of the case law written by the Supreme Court. R Henderson asked
34 which case law. S Bankhead passed out copies of the letter written by Ken Bradshaw.
- 35 • S Wyatt felt there is room for honest disagreement. He indicated that even though the law was not
36 signed by the Mayor or a signed copy delivered, the statute does not require that it be attached to the
37 referendum. It states 45 days from passage, not signing.
- 38 • R Henderson stated that research has been done and the case mentioned by S Wyatt makes reference to
39 when it was passed, but the case doesn’t deal with this specific situation. He felt that rejecting the
40 referendum violates due process. He had to have a signed copy of the ordinance. He and those he
41 represents didn’t know until it was posted.
- 42 • S Bankhead clarified that he did get a signed copy of the ordinance, and it was explained to him that it
43 could be done because of the timeline the meeting was held. She did not delay in honoring his
44 request—he received it within hours after it was signed. He asked for a signed copy which she did not
45 have until November 15, 2006.
- 46 • Ken Bradshaw, attorney of the Redstone Development, felt this is a unique situation. He is a city
47 attorney and teaches public policy in urban government. Contrary to what Mr. Henderson would like

1 the Council to believe, the two cases, the Tobias case and the Mallory case, talk very clearly about
2 passage of the referendum. The Supreme Court says there is a short timeframe, and that forces
3 petitioners to hurry. The burden is always on the petitioner to make that time frame. He suggested
4 that as the Council reads the letter provided, they will find that there is a great deal of effort to blend
5 two concepts; the concepts of passage and when it comes into effect. The entire purpose of the
6 referendum is to keep the law from becoming effective in the first place.

- 7 • R Henderson responded that the interpretation of the Tobias case doesn't deal with passage but when
8 an application should be considered. He feels this discussion is not to talk about the effective date, but
9 due process. There is a case stating if the citizens don't have notice of the ordinance, they can refer it
10 seven years later.
- 11 • R Liechty would like to meet with S Wyatt for discussion on the information to be presented and then
12 meet with Rand Henderson to hear his opinion before the City Council meeting. His recommendation
13 is to do nothing tonight.
- 14 • S Gomm concluded that the ordinance was passed by the City Council on the day it was voted upon.
15 R Liechty agreed.
- 16 • S Wyatt explained that he would be happy to photocopy his information and roundtable it.
- 17 • K Baker asked to have the terms "passage" and "posting" clarified.
- 18 • R Liechty requested information on what is being litigated
- 19 • S Wyatt explained that this decision rests solely with the City Recorder. His advice is written in a
20 memo. He will answer any questions the City Council has.

21
22 **Item No. 2. Ordinance No. 003-2007. The Providence City Council will consider for adoption an**
23 **ordinance amending Providence City Code 5-1-10 prohibiting animals in City parks.**

- 24 • Mayor Simmons explained that by policy, animals are not allowed in City parks. The staff feels it
25 should be done by ordinance instead of City policy.
- 26 • S Bankhead explained that the Cache County Sheriff's Department is working with animal control,
27 and they are more comfortable working with ordinances. The verbiage of animals remaining in the car
28 comes from the cemetery ordinance; it is not something new.
- 29 • S Gomm explained that there are two signs on the soccer field stating no dogs are allowed.
- 30 • Louis Frank commented that he has seen dogs in the park by his home every night between 4:00 p.m.
31 and 6:00 p.m., and summers are worse.
- 32 • S Bankhead explained that some citizens would like to have a dog park; but so far, a location hasn't
33 been found.
- 34 • Darcy McEvoy felt that having a dog park would create a more friendly community. She would like
35 to see "poop" bags at the parks. She feels the City is very dog unfriendly.

36 **Motion to approve Ordinance No. 003-2007 – T Rasmussen, Second – D Johnson.**

- 37 • S Gomm suggested using Cattle Corral Park as a dog park. Mayor Simmons felt it wouldn't work
38 because a well is located there. He asked that the City Council work together in finding a park. S
39 Bankhead felt she could get a group of citizens together to find a place.
- 40 • S Gomm doesn't like the idea of using Von's Park or Zollinger Park as a dog park unless there is a
41 designated area.
- 42 • Mayor Simmons asked John Russell if he would be in charge of a committee to research answers.
- 43 • John Russell felt the City was missing the point. He feels that stray dogs and unleashed dogs are the
44 big concern.
- 45 • S Gomm commented that as an attendee of soccer games, she sees many people bring dogs. There are
46 many children who are fearful of dogs. All citizens should be allowed to feel comfortable in a public

1 place.

- 2 • L Goetze volunteered to head a committee to research the information.

3 Motion to continue discussion on Ordinance No. 003-2007 on February 13, 2007 – S Gomm, Second – T
4 Rasmussen.

5 Vote: Yea: K Baker, S Gomm, D Johnson, R Liechty, T Rasmussen

6 Nay: None

7 Abstained: None

8 Excused: None

9 Five minute break at 7:15.

10
11 **Item No. 3. Ordinance No.004-2007. The Providence City Council will consider for adoption an**
12 **ordinance amending certain provisions in the Providence City Land Use Ordinance bringing it into**
13 **compliance with recent amendments to the Utah Code including the establishment of a land use**
14 **authority and an appeals authority.**

- 15 • Mayor Simmons explained that the information in the City Council packet is what the Planning
16 Commission had in their packet in their meeting of November 8, 2006. A draft collaborated by Mr.
17 Henderson and Mr. Wyatt had been handed out during the meeting recommending a few changes.
18 Mayor Simmons read the motion made by the Planning Commission to the Council.
- 19 • S Bankhead explained that because the City had not received an updated copy, the new information
20 was not available for the Council packet. She presented the recommendations presented by S Wyatt
21 and R Henderson.
- 22 • S Gomm asked for clarification of what was recommended.
- 23 • S Bankhead explained that the original proposal used the word “appeal authority.” The italicized part
24 of the Planning Commission’s motion recommends creating an appeals authority of four residents at
25 large and one professional shared by the City.
- 26 • R Henderson explained that when the recommendation was made by the Planning Commission, S
27 Wyatt was not in attendance. He suggested tabling the ordinance to get it rewritten the way the
28 Planning Commission wanted it.
- 29 • S Bankhead expressed that the law requires that an appeals authority be designated.
- 30 • T Rasmussen asked if an appeals authority and an appeals officer is the same.
- 31 • Mayor Simmons felt that the wording should be changed to say ‘a board.’ S Bankhead said it would
32 probably be better to use the wording out of the original proposal. S Wyatt agreed.
- 33 • S Bankhead explained that the ordinance suggested does not give a choice as to where the notice will
34 be posted. She felt that it should be posted on the City website; however, she is concerned that power
35 outages or computer glitches may prevent them from being posted on the web for ten consecutive days.
- 36 • Mayor Simmons explained that the previous language said notices should be posted in at least three
37 public locations within Providence City or within the official website.
- 38 • S Gomm felt that problems may occur when she is out of town unless someone on the City staff can
39 post notices on the website.
- 40 • R Henderson asked who will be more inconvenienced with power outages, the City office or the
41 citizens. He feels the City owes it to the citizens to post it ten days in advance. He feels the internet is
42 a main way for the citizens to be informed. He suggested postponing the meeting if an agenda is not
43 posted in time.
- 44 • S Gomm doesn’t like the way the recommendation is written.
- 45 • R Henderson suggested holding a public hearing to discuss this issue.
- 46 • S Gomm preferred it say two locations or on the website.

- 1 • S Bankhead stated that the changes were made in all of the notice requirements. It can be rewritten to
2 mimic the State law. She also explained that during the November 29, 2006 meeting, another process
3 was being worked on with inner block development. She asked the City Council to seek comments
4 from the City attorney. She asked that inner block development stay in place. She felt some changes
5 made it read more appropriately with the State Code in section 12, Title 10 on cluster and inner block
6 development. She asked that the motion include the changes but not negate the previous motion. She
7 felt the changes are consistent with State Code.
- 8 • Laura Fisher felt that this discussion was not listed on the agenda. She recommended that this
9 recommendation be held on a later date.
- 10 • R Henderson explained if this is voted on tonight, the Council is basically saying that material will be
11 accepted before the Planning Commission's recommendation, and there isn't anything suggesting a
12 five-member appeals authority. He feels the City Council took a minority report and ignored the
13 majority report.
- 14 • S Gomm asked for the results of the November 29, 2006 public hearing.
- 15 • S Bankhead said it has always been the direction of the Council that they see the information presented
16 to the Planning Commission. Even though the draft from S Wyatt and R Henderson is dated
17 November 28, 2006, it was not given to the Planning Commission until the meeting on November 29,
18 2006. She explained that the staff did not have the current information to put in the packet. It was
19 presented and discussed that night as a public hearing and public comment. Recommendations are to
20 be used from the information given on November 28, 2006. She said, "They felt it was important that
21 the public have that information. The staff knew the City Council would make changes, and the most
22 current information the staff had was included in the packet. The City Council received the new
23 information tonight. The cover ordinance that goes along with the November 28, 2006 attachment has
24 the motion from the Planning Commission made on December 13, 2006. Minutes of the discussion
25 are included in the City Council packet.
- 26 • R Henderson felt it does not reflect the ordinance and is contradictory.
- 27 • S Bankhead expressed whenever changes are made, the changes will be combined with the decisions
28 made on November 28, 2006.
- 29 • Mayor Simmons said if the Council decides to accept the recommendation of the Planning
30 Commission, amendments will be made to what applies.
- 31 • S Bankhead will prepare a clean draft after she hears what the City Council would like to have in it.
- 32 • S Gomm felt the key is to decide whether to uphold the Planning Commission's recommendation or to
33 create an Appeals Authority consisting of four residents at large, and to move forward and recommend
34 a creation of a Land Use Authority.
- 35 • Mayor Simmons said the Council is to discuss the Appeal Authority and vote on that, and direct the
36 staff to write an ordinance or make the ordinance change on the draft. The staff can do nothing more
37 until the City Council votes on the two things proposed by the Planning Commission.
- 38 • S Gomm asked if the issues should be discussed separately and voted as one. She recommended
39 discussing the Appeals Authority and asked if everyone is in agreement with the Planning
40 Commission's recommendation. T Rasmussen agreed.
- 41 • Mayor Simmons explained that the Council is a judicial body and is to apply the law. He stated that
42 North Logan, Cache County, Smithfield, Hyde Park and probably Millville are going to adopt an
43 appeal authority and asked Providence to join them. There is a good chance all of the cities, except
44 Logan, will hire the same individual as an appeal authority.
- 45 • B Bagley explained that the recommendation was to have four citizens who have a vested interest in
46 Providence, and hire someone with expertise that can be shared by other towns. He felt the wording is

1 confusing and should be clarified. He explained that the professional will not be a voting member and
2 that there will be a fifth voting member.

- 3 • S Gomm clarified that it will be one shared professional hired by the City; all five persons would be
4 voting members and listen to appeals. S Bankhead clarified that it will be changed to say the
5 appointment of an Appeals Authority and the Mayor shall appoint the members of the appeal authority
6 with the advise and consent of the City Council. T Rasmussen asked who the professional would be.
7 Mayor Simmons did not know.
- 8 • S Gomm asked B Bagley if he thought the four members would listen to the one professional and do
9 what he advises. He believes people should be selected who have some knowledge, and the
10 professional should be a “lead dog” bringing in his experience in working with other cities.
- 11 • R Liechty hoped people from the City would make decisions for the City with the expertise of a shared
12 professional.
- 13 • Mayor Simmons asked if the appeal authority should consist of three or five members. B Bagley felt
14 that there would be broader representation with five members.
- 15 • D Johnson felt that a body of more than four would create a body who disagrees.

16 Motion to amend the draft to designate the appeal authority consisting of four members from the City, a
17 fifth member a professional person who may be paid – R Liechty, Second – T Rasmussen.

18 Vote: Yea: K Baker, D Johnson, R Liechty, T Rasmussen

19 Nay: S Gomm

20 Abstained: None

21 Excused: None

22 Mayor Simmons explained Jodi Hoffman suggested at the previous meeting that the City Council
23 designate the staff as the Land Use Authority. S Bankhead read the Planning Commission
24 recommendation. Their recommendation was *a creation of a Land Use Authority consisting of a City*
25 *Administrator, Public Works Director and City Engineer; that they would seek expertise and letters of*
26 *recommendations; that Land Use Authority meetings be held in the evenings; that the Land Use Authority*
27 *Board will be for subdivisions of nine or less lots; the Planning Commission will serve as the Land Use*
28 *Authority for subdivisions of ten or more lots, and the Staff will be the authority for everything except ten*
29 *or greater lots.* She explained that there is to be two Land Use Authorities.

- 30 • R Liechty asked why two authorities are recommended. S Gomm explained that this recommendation
31 is to save time and paperwork, and will help the Planning Commission rather than tie up their time
32 with small items.
- 33 • S Wyatt remarked that the Planning Commission must be involved with all subdivisions.
- 34 • S Bankhead stated this will always come to the Planning Commission and to the staff. Mayor
35 Simmons said the DRC would make sure the subdivisions meet code before they go to the Planning
36 Commission. The Land Use Authority administers the decisions and they would not come to the City
37 Council.
- 38 • S Gomm and R Liechty were concerned with the proposal. S Gomm wondered if ten is the right
39 number to be used for large subdivisions. She would like to see them come to the City Council.
- 40 • Mayor Simmons wondered if the consequence would be that a developer brings in an area with 25 lots,
41 then another 25 lots, after the first have been approved. B Bagley felt that it would be decided by
42 acreage.
- 43 • S Gomm was concerned with a phasing loophole. B Bagley said it had been discussed.
- 44 • Mayor Simmons explained that the proposal from the Planning Commission is the idea behind
45 LUDMA. There is a bill in the legislature recommending that staff be more involved. He explained
46 also that in most cases, zoning is a legislative decision.

- 1 • D Hogan felt that many mistakes are made on subdivisions of ten or fewer lots, and big developments
- 2 are scrutinized more carefully.
- 3 • Mayor Simmons felt the DRC looks at everything. If everything is required to go through staff,
- 4 Planning Commission and City Council, the project is finished by the time it reaches the Council.
- 5 • T Rasmussen asked if the Planning Commission can hold more than one hearing. The answer was yes.
- 6 • S Bankhead reiterated that both bodies must abide by the Code.
- 7 • Mayor Simmons felt having an appointed body doing the process gives more time to the Planning
- 8 Commission and City Council for planning and designing.
- 9 • S Gomm felt the body could be made of all staff.
- 10 • Mayor Simmons explained that small subdivisions will go to the staff, to the Planning Commission,
- 11 and back to the staff. For large subdivisions, it will go to the staff and then on to the Planning
- 12 Commission and is done.
- 13 • S Bankhead said there is an exception as to requiring a plat for ten lots or less. S Wyatt read from the
- 14 code book. If you look at the exception, they still must have a document.
- 15 • Mayor Simmons asked if they would still come to the Planning Commission. S Bankhead answered
- 16 no because it would not be a subdivision plat.
- 17 • S Gomm asked if a public hearing would have to be held.
- 18 • B Bagley explained that an open meeting should be held.
- 19 • T Rasmussen asked the difference between the DRC and the Land Use Authority. S Wyatt explained
- 20 that the Planning Commission must make a recommendation on any subdivision. He said that if the
- 21 Planning Commission is designated to be the Land Use Authority, designate the Planning Commission
- 22 to be the Land Use Authority for all subdivisions, and designate the staff to be the Land Use Authority
- 23 for everything else.
- 24 • B Bagley read a paper written by Wilf Summercorn.
- 25 • Mayor Simmons suggested that this proposal be tried for a year to see if it works.
- 26 • S Gomm clarified that the Land Use Authority for subdivisions is the Planning Commission; for all
- 27 other land uses, the staff is the Land Use Authority and asked what is meant by “all other.”
- 28 • S Bankhead explained that it meant conditional use permits and building permits to a degree.
- 29 • Mayor Simmons explained that not long ago all building permits came to the Council.
- 30 • D Johnson asked if the staff handled permits for buildings such as Providence Place.
- 31 • S Bankhead explained that there was a zoning change for Providence Place, and staff handled the
- 32 building permit. The Council became involved when it was zoned multi-family. D Johnson asked if
- 33 the Planning Commission would still look at a building like that. S Bankhead answered no.
- 34 Motion that the Planning and Zoning Commission be the Land Use Authority for all subdivisions and that
- 35 the City Administrator, Public Works Director, and City Engineer be the Land Use Authority for all other
- 36 land applications – S Gomm, Second – D Johnson.
- 37 • S Bankhead felt that the DRC would meet more often than the Planning Commission if they were
- 38 acting as a Land Use Authority, but will not be doing that with the current structure.
- 39 • Mayor Simmons felt having the staff be the Land Use Authority would be useful, but now feels it will
- 40 make another step. The staff will have others in attendance to help.
- 41 • K Baker asked if they would meet on a scheduled basis or as needed. S Bankhead explained that the
- 42 Land Use Authority meetings would be scheduled for the evenings, but would not meet if there isn't
- 43 anything to discuss.
- 44 • Mayor Simmons explained that it will be a public meeting. K Baker asked if it would put another
- 45 burden on the office. S Bankhead acknowledged that it would. S Gomm asked if there is an
- 46 alternative.

- 1 • R Henderson suggested having a combined DRC/Land Use Authority meeting.
- 2 • S Bankhead explained that the Planning Commission recommended holding Land Use Authority
- 3 meetings in the evening. Mayor Simmons felt that it may not be possible to combine the meetings if
- 4 the Land Use Authority meetings are public. He felt that it could be held at 3:30 p.m. or 4:00 p.m. R
- 5 Henderson felt that minutes should be available for those who cannot attend.
- 6 • K Baker asked if it should be a part of the motion as to when it is held.
- 7 • D Johnson felt the last recommendation needed no change.

8 Vote: Yea: K Baker, S Gomm, D Johnson, R Liechty, T Rasmussen

9 Nay: None

10 Abstained: None

11 Excused: None

- 12 • S Gomm felt a clean copy which includes the recommendations should be made.
- 13 • Mayor Simmons asked for a motion to ask the staff to harmonize this draft with this ordinance
- 14 trumping last week's motion.

15 Motion that the reference to innerblock development in the document dated 11-28-06 be superseded by the
 16 vote that was taken in the last City Council meeting for inner block development- K Baker, Second – R
 17 Liechty.

18 Vote:

19 Yea: K Baker, S Gomm, D Johnson, R Liechty, T Rasmussen

20 Nay: None

21 Abstained: None

22 Excused: None

- 23 • Mayor Simmons asked if the Council would like the staff to take the motions made and present a new
- 24 ordinance to be passed at the next meeting and if the Planning Commission is now the Land Use
- 25 Authority. S Bankhead informed him that they were not until the ordinance is passed.

26
 27 Five minute break at 8:35.

- 28
- 29 • Mayor Simmons explained that an item listed on tomorrow's Planning Commission agenda could
- 30 allow them to act as a Land Use Authority if S Wyatt's hand written sections are approved. The City
- 31 has been working with Andrew Daines to complete the Spring Creek Village Subdivision. He
- 32 explained that the USU Credit Union couldn't get a building permit until Andrew Daines recorded the
- 33 final plat for the subdivision. Also Pier 49 Pizza cannot open for business until the plat is recorded.
- 34 The DRC identified six things that must be fixed on the final plat. If all corrections are completed by
- 35 tomorrow, it can be on the agenda for tomorrow night. S Wyatt's advice is to recommend everything
- 36 except Sections 6 and 12 on the ordinance.
- 37 • S Bankhead felt that there must be bonding and construction drawings in place and approved before
- 38 this final plat can be recorded. It was approved as a preliminary plat in July. The City can move faster
- 39 if it is approved tomorrow night. No ordinances would be skipped.
- 40 • K Baker asked if Pier 49 Pizza could be open on Thursday. S Bankhead said yes, if they could get
- 41 everything in and if S Wyatt would be available to sign the plat. The City engineer cannot sign it until
- 42 the construction drawings are approved and the City attorney has signed it.

43 Motion to adopt this draft except for sections 6 and 12 as amended on the previous votes as written on the
 44 document – K Baker, Second – S Gomm.

45 Vote: Yea: K Baker, S Gomm, D Johnson, R Liechty, T Rasmussen

46 Nay: None

47 Excused: None

1 Abstained: None

2
3 **Item No. 4. Ordinance No. 005-2007. The Providence City Council will consider for adoption an ordinance amending Providence City Code 10-6-1 Use Chart by adding a dental lab as conditional use on the Use Chart in the Single Family Traditional Zone.**

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6 • S Bankhead explained that the Cox's wanted to make sure they could get a permit for their business before moving to Providence. B Bagley explained some of the conditions they considered before approving this.
- 7
8
9 • S Gomm felt that no street parking should be allowed. All parking must be on the premises. S Bankhead said no home business is allowed to have parking on the street.
- 10
11 • R Henderson suggested this be a conditional use.
- 12 • S Bankhead explained that the staff checked and found a dental lab being operated in a home. When the business grew, the owners did not want it in their home any longer.
- 13 • K Baker asked how it is different than any other occupation.
- 14 • R Liechty felt that it is wrong to allow this business because it will open the door for other unsavory businesses.

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16
17 Motion to adopt an ordinance amending Providence City Code 10-6-1 Use Chart by adding a dental lab as conditional use on the Use Chart in the Single Family Traditional Zone with the following conditions: that no business off site parking and, discharges must be approved by relevant authorities, and that it stays a home occupation – D Johnson, Second – T Rasmussen.

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21 Vote: Yea: D Johnson, K Baker,
22 Nay: R Liechty, S Gomm, T Rasmussen
23 Abstained: None
24 Excused: None

25
26 **Item No. 5. Ordinance No.006-2007. The Providence City Council will consider for adoption an ordinance changing the zone from Agricultural to Single-Family Traditional (SFT) for a 20.07 (+/-) acre parcel located generally at 870 South 400 East, also known as the Hillcrest Subdivision.**

- 27
28
29 • Mayor Simmons explained that the zone change had been approved earlier, and now it is back.
- 30 • R Liechty asked about the referendum.
- 31 • R Henderson explained that unless there is a real opportunity to reverse the decision, the lawsuit will not be dropped. He is waiting on the referendum. The answer should come some time in the summer. He told the City to do what they want, but his clients will not necessarily accept it.
- 32
33 • S Wyatt explained that it was decided to redo the decision to give proper notice.

34
35 Motion to adopt Ordinance 006-2007 to change the zone from Agricultural to Single-family Traditional – S Gomm, Second – D Johnson.

- 36
37 • S Gomm asked if any ordinances were not met.
- 38 • T Rasmussen clarified that this is just starting the rezone change over.
- 39 • R Liechty asked if a second motion can be made.

40 Substitute motion to approve ordinance 006-2007 to change the zone from Agricultural to Single-Family Estate – R Liechty, Second – K Baker.

- 41
42 • T Rasmussen asked why single family estate.
- 43 • R Liechty and S Gomm explained that he and K Baker wanted half-acre lots in the beginning. He would like to look at it because it makes a friendlier area.
- 44 • S Gomm felt this vote isn't the right way to get out of lawsuits and that it will create another lawsuit.
- 45 • Darcy McEvoy asked if it would be possible to pass the new zoning before this is decided.
- 46

- 1 • T Rasmussen felt half-acre lots would be a happy medium. S Gomm agreed and felt that it should
2 have been that way in the beginning. T Rasmussen asked for a point of clarification on the existing
3 rules. He wondered if it is a matter of vesting. Mayor Simmons explained that the developers are
4 vested in the rules present at the time. S Gomm agreed that the only option is to work with a full acre
5 (SFE zone) or an SFT zone.
- 6 • T Rasmussen commented on a class he is taking. What he has learned makes him lean toward a
7 single-family estate zone, but to build a successful community, he would like to see half-acre lots. He
8 doesn't like the idea of stacking houses. He felt this rezone could be a good move for the City.

9 Vote: Yea: K Baker, R Liechty, T Rasmussen

10 Nay: D Johnson, S Gomm

11 Abstained: None

12 Excused: None

- 13 • S Gomm asked what the timeline is for the Planning Commission to finish their ordinance.
- 14 • B Bagley explained that they will be holding a public hearing on zoning changes in the ordinances
15 tomorrow night.

16
17 **Item No. 6. Ordinance No. 007-2007. The Providence City Council will consider an ordinance**
18 **changing the zone from Agricultural to Single-Family Traditional (SFT) for a 10.62 (+/-) acre parcel**
19 **located generally at 690 Grandview Drive, also known as The Cove Subdivision.**

- 20 • Mayor Simmons explained that the Planning Commission had a three-to-two vote to approve a zone
21 change.

22 Motion to consider an ordinance change the zone from Agricultural to Single-family Traditional (SFT) for
23 a 10.62 (+/-) acre parcel located generally at 690 Grandview Drive, also known as the Cove Subdivision –
24 S Gomm, Second – T Rasmussen.

- 25 • R Liechty was willing to rezone and insists there should be a second access.
- 26 • D Hogan said it was abandoned because of utility and water lines.
- 27 • T Rasmussen asked about the lot sizes.
- 28 • Mayor Simmons said that is not what is being presented.

29 Vote: Yea: S Gomm, T Rasmussen, D Johnson, R Liechty

30 Nay: K Baker

31 Abstained: None

32 Excused: None

33
34 **Item No. 7. Discussion on the Biennial review of moderate income housing element of the general**
35 **plan.**

- 36 • Mayor Simmons explained to the Council that S Gomm supplied the current biennial review of the
37 moderate income housing element of the General Plan. She must have information on income and
38 worth of each home, and the number of citizens and families in the City to update this plan. He asked
39 if she was willing to make revisions if the staff would get the information.
- 40 • S Bankhead pointed out that Mark Teuscher has done some of this.
- 41 • R Henderson suggested that S Gomm's current biennial review is not compliant with State Code.

42
43 **Item No. 8. Discussion. A service agreement for Cody Stewart to provide consulting services to,**
44 **and for the benefit of, Providence relating to legislative, regulatory and administrative matters,**
45 **including appropriations and other federal funding matters.**

- 46 • Mayor Simmons explained he was advised by Cody Stewart to not hire him as a consultant at this time.

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3 **STAFF REPORTS:**

4 **Skarlet Bankhead will report on the Administrative, Community Development, and Finance &**
5 **Records Departments.**

- 6 • S Bankhead explained that recreation programs are starting, and there will be a change in the Little
7 League program. Destry Merritt will be the director. The City will still work with volunteers, but the
8 program itself will be run by the City.
9 • Mayor Simmons explained that last year those directing the program had tryouts and chose players
10 they wanted for their teams. He spoke with parents who felt the program was unfair. The program
11 will not have kids treated the way they were last year. A player advocate will be available to step in
12 and represent the kids and parents.
13 • S Gomm felt the key is to get the recreation back in baseball.
14 • S Bankhead recommended making more changes. She also stated that advertising for summer
15 positions will begin soon. All positions should be ready to go during May; hiring of applicants ages 16
16 and above will begin in March and April.

17
18 **Randy Eck will report on the Public Works, Water, and Sewer Departments. (presented by Mayor**
19 **Simmons)**

- 20 • Public Works has been kept busy thawing water meters, frozen ditches and storm lines. Several water
21 services have frozen. The Public works staff has put in a lot of hours.
22 • The decorative lamps have been turned on.

23
24 **COUNCIL REPORTS:**

- 25 • K Baker presented a one-page report made by the Heritage Protection Committee and explained that
26 members looked at standards in Providence. They decided to address the livability standards, and a lot
27 of their information comes from Provo City standards. They feel the Provo livability standards should
28 be implemented before the heritage standards are decided.
29 • D Johnson praised the Public Works Department for their work with the water breaks during this cold
30 weather. He also considered Maceys a great addition to Providence.
31 • Mayor Simmons commented that the lighting under the canopy of the gas pad has horizontal lights and
32 must be fixed. Amsource has been notified and promised to fix them. They were not given a deadline,
33 but said they would have it fixed in a week and a half. S Gomm suggested giving them a deadline if
34 they haven't complied within that time.
35 • Mayor Simmons has a meeting at 1:00 p.m. Thursday at the City offices with various cities to discuss
36 the building of a sewer plant. D Johnson will attend. Questions will be addressed as to whether each
37 City should build their own plant or whether to add on to the Hyrum plant. Results of the feasibility
38 study will be given. This meeting is being held because of the high cost Logan City is charging for the
39 renovation of their system.
40 • S Bankhead said that as the Recorder of Providence City, it is her decision that the City will hold to S
41 Wyatt's recommendation that the referendum should have been turned in by December 8, 2006.
42 • R Henderson asked if there will be something formally written. S Bankhead answered yes.

43 **Motion to go into executive session at 9:45 – S Gomm, Second – R Liechty.**

44 **Vote:** **Yea:** K Baker, S Gomm, D Johnson, R Liechty, T Rasmussen
45 **Nay:** None
46 **Abstained:** None
47 **Excused:** None

1
2 Meeting entered into Executive Session at 9:45 p.m.
3 Minutes taken and prepared by B Turley.

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Randy Simmons, Mayor

Skarlet Bankhead, City Recorder