

1 **PROVIDENCE CITY COUNCIL MEETING**
2 **FEBRUARY 13, 2007**
3 **PROVIDENCE CITY OFFICE BULDING**
4 **15 SOUTH MAIN, PROVIDENCE, UT 84332**
5
6

7 **Call to Order:** Mayor Simmons
8 **Roll Call of City Council Members:** Mayor Simmons
9 **Attendance:** Kathy Baker, Stacie Gomm, Deon Johnson, Ron Liechty,
10 Trent Rasmussen
11 **Pledge of Allegiance:** Deon Johnson
12 **Opening:** Kathy Baker
13

14 **APPROVAL OF THE MINUTES for January 23, 2007:**

15 Motion to approve the minutes – S Gomm, second – R Liechty.

- 16 • Page 7 of 12, line 33, should be LUDMA.
- 17 • Page 6 of 12, line 43, with the advice and consent.
- 18 • Page 6 of 12, line 11, they felt it was important.
- 19 • Page 10 of 12, line 26, R Liechty and S Gomm.
- 20 • Page 11 of 12, line 21, strike line 21.
- 21 • Page 12 of 12, line 7 should say livability.
- 22 • Page 3 of 12, line 42, should say Redstone.
- 23 • Page 3 of 12, line 3 should say it is the option of S Wyatt, strike the “it”.
- 24 • Page 1, line 31 Sharell Eames’ name is spelled wrong.
- 25 • Page 1 of 1, line 12, Blaine Sorenson’s name is spelled wrong.
- 26 • Page 11 of 12, line 6, should say R Liechty was willing to rezone and insists there should be a

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

28 Nay: None

29 Abstained: None

30 Excused: None
31

32 **PUBLIC COMMENTS:**

- 33 • Sharell Eames believes the City is making spotty progress. She wondered if any thought has been
34 given on redoing the Master Plan before allowing more growth.
- 35 • Mayor Simmons explained that residential revisions of the Master Plan are on the Planning
36 Commission’s agenda tomorrow night.
- 37 • Linda Goetze felt the Master Plan should be changed before land rezones are approved.
38 Applying impact fees in place ten years ago do not reflect the true cost of development. She
39 believes the Master Plan revision should be completed soon so developers cannot be grandfathered
40 with the old impact fees. She believes that the Highlands Subdivision has been the only major
41 development between 2004 and 2006, yet studies suggest that in the last two years, 600 more cars
42 travel on Canyon Road. She believes 1000 South has not taken the brunt of the cars, and the 100
43 East and Canyon Road issue has not been resolved. She encouraged the Council to accept the
44 Heritage Committee’s recommendation to adopt the livability standards. The ability to get in and
45 out of driveways and pedestrian traffic are critical for her quality of life. She explained her
46 theories of calculating traffic and roads with future development. She stated that 10,000 cars per

1 day will destroy the historic downtown Providence. She felt she and her neighbors would be
2 forced to move. She asked the City Council to adopt and enforce livability standards and protect
3 property rights of current citizens. Mayor Simmons questioned the 2004 traffic study she alluded
4 to. Linda Goetze explained that it was a traffic study made by the Sheriff's department, and she
5 felt Mayor Simmons had cited parts of it. The Sheriff's department counted 1600 cars per day on
6 100 East. Mayor Simmons suggested that she meet with the Planning Commission to discuss the
7 livability standards.

- 8 • Erna Hammar was concerned with new traffic the developments will bring to Center Street.
9 Mayor Simmons expressed that the Council will not approve the Anderson development unless
10 there is another access. The Council has discussed several options, and they felt that the
11 developers must buy the property for additional roads.
- 12 • E Hammar asked where the road will be located and suggested that the City think things through
13 before allowing the development. She also questioned the availability of water during a drought.
14 Mayor Simmons noted that he and K Baker will discuss this with her on Thursday afternoon at
15 4:00 p.m. if she desires.
- 16 • S Eames asked the Council to prod the Planning Commission to make things happen.
- 17 • Gary Stauffer heard two weeks ago that the Flying J is in violation with lights. He hasn't seen any
18 changes.
- 19 • Mayor Simmons informed him that the City inspector will deal with it tomorrow.

20 **UNFINISHED BUSINESS:**

21 **Item No. 1. Ordinance No. 008-2007. The Providence City Council will consider for adoption an** 22 **ordinance amending Providence City Code Title 2 Chapter 5, creating an appeal authority; and** 23 **certain provisions in Providence City Code Title 10 Chapter 14 Cluster and Inner Block** 24 **Development, for consistency in terminology.**

- 25 • Mayor Simmons explained that the language in Chapter 5 of the City ordinances concerning land
26 use and appeals authority has been changed by S Bankhead.
- 27 • S Bankhead added that Chapter 14 adds land use authority wording, and revisions were made on
28 11-14-1B concerning innerblock development. She incorporated S Wyatt's new changes. K
29 Baker questioned if the wording in 2-5-2, the appointment of an administrative appeals officer,
30 should be changed to "will serve" instead of "may serve."

31 **Motion to amend the appointment of an administrative appeals officer, to change "may" to "will" – K** 32 **Baker, Second – S Gomm.**

- 33 • S Bankhead clarified that the members of the appeal authority will serve until replacements are
34 appointed. Mayor Simmons clarified that three words, "members of the" will be inserted. K
35 Baker explained that section B reads the appeal authority "should" give the appeal; she believes it
36 should say "shall" give the appeal.
- 37 • S Bankhead said on 2.5.4.2b, the last line should say, "is an unreasonable hardship or the hardship
38 self imposed" instead of "of."
- 39 • K Baker said A, 1 of 3, line 3, states "issuance of the written decision" has a duplication of words
40 (the written of the written).

41 **Motion to amend 2-5-4, number 2E, page 1 of 3, 2-5-2, members of the appeal authority will serve until** 42 **replacements are appointed; in A of that page, delete one of the "of the written;" in B change should to** 43 **shall after the appeal authority; on the third page, 2-5-4-2b, the last line, should say an unreasonable** 44 **hardship or the hardship self imposed instead of "of." – K Baker, Second – T Rasmussen.**

- 45 • D Johnson felt on 2.5.2, "may" should stay because "will" is a demand.

46 **Vote: Yea:** K Baker, S Gomm, R Liechty, T Rasmussen
47

1 Nay: D Johnson

2 Abstained: None

3 Excused: None

4 Motion to approve Title 2 Chapter 5.304 shall be adopted; that Chapter 10, Chapter 14, plus innerblock
5 development shall be adopted, and the other ordinances become effective immediately upon passage and
6 posting – R Liechty, Second – D Johnson.

- 7 • S Bankhead explained to S Gomm that the Board of Adjustments was repealed at the last meeting.

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

9 Nay: None

10 Abstained: None

11 Excused: None

12
13 **Item No. 2. Ordinance No.003-2007. The Providence City Council will consider for adoption an**
14 **ordinance amending Providence City Code 5-1-10 prohibiting animals in City parks.**

- 15 • Linda Goetze presented a handout of Logan City dog park ordinances to the Council and explained the
16 contents. She questioned whether the Council prefers an on-leash park or an off-leash park. She
17 explained advantages and disadvantages of leash parks. She made a list of rules she collected from
18 various cities. Most off-leash areas are very large. A small off-leash park must be fenced and double
19 gated. As a dog owner, she likes to walk her dog through Von's Park. R Eck mentioned a possibility
20 of a dog park on Golf Course Road and Spring Creek Parkway. Mayor Simmons asked how large of a
21 piece of land the City owns. R Eck indicated that he is in the process of seeing how big it is. He
22 believes only half of the land would require a fence. Linda Goetze also recommended designating part
23 of a park for dogs when other activities are not planned. She feels it makes sense to start with a plan
24 and monitor it. She e-mailed S Bankhead requesting the number of dog licenses issued.
- 25 • S Bankhead mentioned that around 600 dogs are licensed. L Goetze found information on the internet
26 suggesting that only 20 percent of the people usually license their dogs. She felt the City Council
27 should incorporate plans for a dog park in the Master Plan and then designate it.
- 28 • Mayor Simmons asked if these ideas could be incorporated in Von's Park. He also wondered if an off-
29 leash and an on-leash portion would be possible. He requested pictures and costs from the staff for an
30 off-leash park on 280 North.
- 31 • L Goetze will work with T Rasmussen and make a recommendation. T Rasmussen asked how
32 aggressive dogs can be. S Gomm felt some dogs of the same breed are aggressive and some not. L
33 Goetze believes having space for association will regress the dogs' behavior. A group can be formed
34 to help implement a dog park. T Rasmussen will call L Goetze to arrange a time to meet.
- 35 • D Johnson felt the City will run into problems because dogs on a leash currently cannot be with service
36 (seeing-eye) dogs. Some cities were forced to reverse their decisions to allow all dogs on a leash in
37 their parks.
- 38 • L Goetze felt the problem could arise without having dog parks. She believes designating it or not
39 would not affect lawsuits whereas private parks imply additional liability.
- 40 • Mayor Simmons felt that in an ideal world, dogs on leashes would be allowed in any of the City parks
41 when there is not an event. He suggested having one or two off-leash parks.
- 42 • L Goetze felt an ordinance like this would be fabulous. It is hard to be a dog owner when neighbors
43 have anti-dog feelings. She believes the key is to pick up after the dogs. S Gomm agreed. If people
44 obey the rules and put pressure on those that don't, dog parks would work well.
- 45 • L Goetze felt the City should provide baggies and receptacles for the dogs. She suggested the City
46 advertise whether or not water or shade is available, list on the website rules and parks available for
47 dogs, and to place good signage. S Gomm indicated that education is the key.

- 1 • S Gomm clarified that this ordinance states no animals in City parks. She wondered if the Council
- 2 should wait and look at dog parks before passing it.
- 3 • R Eck acknowledged that animal control is having a hard time taking care of dogs and feels the
- 4 ordinance should be changed. S Bankhead felt a statement could be added saying that the Council is
- 5 considering a dog park, and it could be added in the newsletter.
- 6 • Erna Hammar felt that people should be considerate.
- 7 • Mayor Simmons asked that something about dog parks be added in the newsletter.
- 8 • Mayor Simmons felt it would be a good start to say service dogs and dogs that are on a program are
- 9 allowed in the parks. T Rasmussen will have a recommendation at the next meeting.
- 10 • S Gomm felt it must be well communicated that the City is not anti-dog.

11 Motion to continue from R Liechty, Second – K Baker.

12 Vote: Yea: D Johnson, K Baker, R Liechty
 13 Nay T Rasmussen, S Gomm
 14 Abstained: None
 15 Excused: None
 16

17 **Item No. 3. Discussion. Biennial review of moderate income housing element of the general plan.**

- 18 • Mayor Simmons spoke with M Teuscher and feels the current piece of the moderate income housing
- 19 element of the general plan is sufficient for now. It can be revisited and revised at a later date.
- 20 • S Bankhead asked if Mr. Teuscher will write a statement saying he has reviewed the general plan.
- 21 • S Gomm asked if the Council should review it.
- 22 • S Bankhead will make copies of the income housing element before the next meeting. A conversation
- 23 will be held at that time. S Gomm questioned whether the copies will be from the book or ideas
- 24 presented at the last meeting.
- 25 • R Liechty asked to see the presentation.
- 26 • Mayor Simmons asked if changes must go through the Planning Commission.

27
 28 **NEW BUSINESS:**

29 **Item No. 1. Ordinance No. 009-2007. The Providence City Council will consider for adoption an**
 30 **ordinance amending Providence City Code Title 10 Chapter 16 Fence Regulations.**

- 31 • S Bankhead explained that this ordinance suggests taking fence regulations out of the zoning
- 32 ordinance and be added to Chapter 5 Police Regulations. Violations will not come to an appeal
- 33 authority, but zoning requirements will still be kept in the zoning use chart. The current ordinance
- 34 requires that residents obtain a fence permit. If property stakes are misrepresented, the City is involved
- 35 in a boundary dispute. Building permits will still be required if fences are a certain height. The
- 36 revision also deals with an exception to the six-foot-high rule on the sloping terrain.
- 37 • Mayor Simmons indicated that the staff has worked on this ordinance for months. The Planning
- 38 Commission held a public hearing, and in January, they passed it as it is currently written.
- 39 Motion to approve Ordinance No. 009-2007 as currently written – D Johnson, Second – T Rasmussen.
- 40 • T Rasmussen also explained that L Campbell did not vote as stated in the minutes; he was excused.
- 41 • K Baker wondered if barbed wire fences would be a concern.
- 42 • S Gomm felt it important to keep barbed wire fences in the ordinance.
- 43 • Mayor Simmons asked if barbed wire and electrical fences should be included in the ordinance.
- 44 Existing fences would automatically be grandfathered.
- 45 • S Eames questioned if an owner could keep his barbed-wire fence if someone clipped it.
- 46 • Mayor Simmons indicated that the ordinance could say barbed-wire fences existing at the time of this

1 passage.

- 2 • S Gomm asked what the intent is. K Baker felt it is to allow for agricultural purposes. Mayor
3 Simmons suggested that it say agricultural or large animal as long as the owner has a large livestock
4 permit.
- 5 • Mayor Simmons suggested the ordinance say that barbed wire fences or electrically charged fences
6 shall only be allowed in residential zone districts if the owner has a valid livestock permit or the site
7 has been approved for barbed wire fencing for security reasons. Barbed wire or electrically charged
8 fences existing as of February 1, 2007, are exempt from this stipulation.
- 9 • D Johnson stated that fences can be made without barbs. Unless animals are involved, he
10 recommended doing away with barbed wire.
- 11 • K Baker suggested not allowing barbed wire in the future.
- 12 • S Gomm felt upgraded fences should go with straight wire.
- 13 • K Baker felt people with cows prefer using barbed wire.

14 Motion to add barbed wire fences or electrically charged fences shall only be allowed in residential zone
15 districts if the owner of the property has a valid livestock permit or the site has been approved by the
16 Planning Commission for security purposes. Barbed wire or electrically charged fences existing as of
17 February 1, 2007, are exempt from this condition – K Baker, Second – T Rasmussen.

- 18 • S Gomm doesn't want any barbed wire fences unless the fence has to do with animals or agriculture.
19 She feels any fences being replaced should be replaced with non-barbed wire.
- 20 • L Goetze asked if she had an animal permit and decided not to keep the animals, will she be required
21 to get rid of the barbed wire. S Gomm and T Rasmussen felt it would be grandfathered in.

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

- 26 • S Bankhead suggested saying fences cannot be replaced with barbed wire. She asked if R Liechty also
27 means no barbed fencing for security. He and S Gomm said no barbed wire for security.
- 28 • R Eck questioned barbed wire surrounding the reservoirs. S Gomm decided security purposes must
29 stay in place.

30 Motion to add that barbed wire fences existing as of February 1, 2007, not meeting the above conditions
31 cannot be replaced with barbed wire – S Gomm, Second – R Liechty.

32 Vote: Yea: K Baker, S Gomm, D Johnson, R Liechty, S Gomm
33 Nay: None
34 Abstained: None
35 Excused: None

36 37 **STAFF REPORTS:**

38 **Skarlet Bankhead**

- 39 • S Bankhead received a phone call from a resident expressing concern with pedestrians crossing 100
40 North between the theater area and Macey's driveway after dark.
- 41 • Mayor Simmons suggested that the Public Works director address this issue.
- 42 • S Bankhead has been asked about the participation agreement for the remittance of sales tax with
43 Maceys. The City agreed to pay an incentive not to exceed \$1,000,000 dollars. The incentive
44 agreement is in seven equal payments of \$142,857. A security clause has been incorporated for gross
45 taxable sales of \$30,000,000. Maceys must achieve \$30,000,000 in gross taxable sales for the City to
46 owe the \$142,857 annually. Incrementally it goes down. If the legislature reduces the amount of tax

1 on food, the City's payment would be proportionate to that. The City is anticipating that Maceys will
2 do as well as they did in Logan, and the City will receive annual payments of \$142,000 to \$143,000.

- 3 • D Johnson clarified that this payment does not come from the existing budget, but from Maceys'
4 payment. S Bankhead explained that the City's payment is not due until 30 days after the tax year end,
5 and then the City will evaluate what they make. She clarified that Maceys pays the State, and then the
6 State pays Providence City. The City will look at the amount generated and will put it into this
7 formula. The first payment would be due in March, 2008.
- 8 • S Bankhead explained funding mechanisms for parks. The City has a RAPZ tax that she, Mayor
9 Simmons, and R Eck are working on. A USU student and his business class are interested in doing a
10 fund raising project for Providence. She will contact him if the City is interested in raising money for
11 a dog park or for another cause.
- 12 • S Bankhead explained that there is police presence throughout the City, particularly on the highway
13 around Maceys. The Justice Court has received an increased amount of citations. The City has asked
14 the Sheriff's Office to look at areas throughout the City. She will speak with them about patrolling the
15 canyon for Laura Fisher. The star officer is here from 7:00 a.m. to 3:00 p.m. Animal patrols are in
16 place all of the time. Other officers patrol at various times.
- 17 • L Fisher would like to see increasing patrols at night and on Friday and Saturday. S Bankhead noted
18 that violators are in the City at all hours.
- 19 • S Bankhead said District 7 registration for soccer has concluded. City recreation programs will start
20 next month. She feels this is why it is important to make a decision on how to deal with dogs now.

21 22 **Randy Eck**

- 23 • R Eck believes crosswalks are a bad idea and agrees that they are dangerous. He doesn't like the idea
24 of the school crosswalk where it is and doesn't want to entertain the idea of another crosswalk on 100
25 North because more crosswalks put more people on the road.
- 26 • Mayor Simmons asked if a curb cut could be considered. He asked R Eck to look into this.
- 27 • S Gomm felt that pedestrians are not going to the corner, and that J-walking tickets should be issued.
- 28 • R Liechty asked if R Eck has found another place to locate his office. R Eck acknowledged that his
29 office is awfully crowded, and he does have plans. He is bothered that his secretary is completely
30 accessible for anyone coming through the door. He is cramped and feels it hard to run a professional
31 operation.
- 32 • L Fisher asked if the public has legitimate business to go to that location. R Eck acknowledged that it
33 is his job to talk with citizens who come to discuss public works questions.
- 34 • K Baker acknowledged that water is no longer running across the road on 400 East.

35 36 **COUNCIL REPORTS:**

37 **T Rasmussen:**

- 38 • T Rasmussen noted that the City celebration is on June 8th and 9th, and he and Destry Merritt have
39 incredible ideas lined up for it. A concrete proposal will be given Friday. The upgrade for Von's Park
40 will proceed. He questioned traffic issues and an accident by Maceys. He will give the Council a
41 letter to review.
- 42 • D Johnson will not be here for the next Council meeting due to classes being held in St. George.

43 44 **S Gomm**

- 45 • S Gomm presented a report calculating costs for Providence City and its residents for services at the
46 Logan Library. The Logan City library card costs \$163 per year for County residents. If 200 citizens

1 from Providence want cards, Providence City will pay \$25,000 and the citizens will come up with
2 \$10,000, making it \$175 per card. If 300 citizens want a library card, Providence City will pay
3 \$25,000, and the citizens will pay \$13, which comes to \$40,000, totaling \$133.30 per card. Logan
4 City uses a dedicated property tax to fund the library and feels Providence City should pay a dedicated
5 property tax for a long term arrangement. Logan City is trying to decide what amount of money
6 Providence is willing to risk during a trial period. She feels the compromise is based on how far
7 Providence City is willing to go versus much time Logan City is willing to allow a trial run to
8 continue. If the City goes forward with an 18-month trial and 500 people buy a card, the City can
9 decide what to do with the property tax.

- 10 • Mayor Simmons said the City receives \$250,000 in property taxes each year. The average home pays
11 \$109 each year. This agreement would double the City's property tax fee.
- 12 • S Gomm felt it would increase the average homeowner's property tax by \$100 for each \$100,000
13 value. Logan City is not interested in pursuing another route. She explained how Logan City can lose
14 money. She had asked Logan City how much more it would cost to allow the library to open their
15 doors to the Providence residents, but that argument wasn't acceptable with Logan's City Council.
16 They are looking at their citizens' costs and access to the library. They feel if their citizens pay that
17 amount, Providence citizens should also pay that amount. Right now, non-citizens are paying more for
18 a library card than Logan City residents.
- 19 • L Goetze felt one option would be to do the property tax contribution to Logan. She doesn't believe
20 everyone should be taxed if only a few want to use the library. She asked S Gomm how many
21 Providence City residents have purchased a library card.
- 22 • Mayor Simmons asked that it be placed on the agenda for future discussion.
- 23 • S Gomm felt if an 18-month trial does not lead to a property tax decision, there will be no reason to
24 continue. There are 1,758 sewer hookups. Seventy percent of Logan City residents use the library.
- 25 • S Bankhead asked if Logan resident's cards are free.
- 26 • R Liechty felt Logan City would love the deal because they would make money.
- 27 • S Gomm explained that other counties impose a countywide library tax. By sharing the property tax,
28 the City will be following that mode. If the City incurs a property tax, other cities may follow suit.
- 29 • R Liechty expressed his concern that it would still be Logan City's library.
- 30 • Mayor Simmons inquired as to how many Providence City residents buy Hyrum passes.
- 31 • S Gomm will check. If the City isn't interested, a trial will not happen. She felt the Council should
32 receive citizen input.
- 33 • R Liechty felt everyone's taxes shouldn't be raised to benefit a few.
- 34 • S Gomm felt that without a trial period, there would be no data to see how many would use the library.
35
- 36 • R Liechty would like to know what the public feels before he makes a decision.
- 37 • Mayor Simmons expressed that it is \$75,000 more than what the City uses for road maintenance.
- 38 • R Liechty and T Rasmussen recommended using Hyrum's library. They would like to see this issue on
39 a future agenda.

40 **Mayor Simmons**

- 42 • Mayor Simmons explained that Utah has a huge budget surplus. The legislature would like to cut the
43 Utah cities' portion of sales tax on food. The City currently receives one percent of the tax. Nothing
44 would be cut from the State funds, which would give them a free tax cut. He would like everyone to
45 speak with Lyle Hillyard who is promoting the cut. The State's intent is to cut the boutique tax, or the
46 RAPZ, ZAPZ, and transit taxes voted on by local voters. They are local funds; not funds that go to the

1 State. Cache County Council did not enact a quarter-cent transit tax that would have gone towards
2 mass transit. The State will enact that quarter-cent increase. Counties which do not have the transit
3 tax like Cache County must ask for it. The Department of Transportation will allocate it according to
4 their priorities.

- 5 • Sharell Eames asked if Peter Knudsen is the senator for this area. Mayor Simmons acknowledged that
6 he is.
- 7 • Mayor Simmons asked for names for the Appeal Authority Board.
- 8 • Mayor Simmons noted that Sunrise Engineering would like to meet with the councils from Providence,
9 Millville and Nibley to present a feasibility study on building a south end sewer district. He suggested
10 holding the meeting on February 22, March 6, or March 8.
- 11 • D Johnson suggested having the meeting after the classes in St. George are over.
- 12 • Mayor Simmons explained that Logan is updating their sewer facility, and the City's share would be
13 about \$8,000,000. Millville is not on the system but is paying a line charge. If the three cities built
14 their own plant, would it be more cost effective than staying with Logan City.
- 15 • S Gomm asked if public input will be taken. Mayor Simmons explained that it will be an information
16 meeting for the Council. Costs for sewer plants have gone up dramatically.
- 17 • R Eck noted that Hyrum City is ready to expand.
- 18 • Mayor Simmons felt an option would be to build Providence City's own system or pump to Hyrum.
19 The meeting will help the councils determine what to do.
- 20 • R Henderson recommended not going into an executive session discussing pending litigation.

21
22 Motion to go into executive session – R Liechty, T Second – T Rasmussen.

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

24 Nay: None

25 Abstained: None

26 Excused: None

27
28 Meeting adjourned at 8:03 p.m.

29 Minutes taken and prepared by Becky Turley.
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32

33
34 _____
Randy Simmons, Mayor

Skarlet Bankhead, City Recorder