

1 **PROVIDENCE CITY COUNCIL MEETING AGENDA**

2 **Providence City Office Building**

3 **15 South Main, Providence UT**

4 **February 14, 2006; 6:00 p.m.**

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

7 **Call to Order:** Mayor Simmons **Roll Call of City Council Members:** Mayor Simmons

8 **Attendance:** Mayor: Randy Simmons

9 Council: Kathy Baker, Stacie Gomm, Deon Johnson, Ron Liechty, Trent Rasmussen

10 City Administrator/Recorder: Skarlet Bankhead

11 Public Works Director: Randy Eck

12 **Pledge of Allegiance:** Deon Johnson **Opening:** Mayor Simmons

13 Letter from Laura Fisher and Bob Bissland. Mayor Simmons read a letter, given to him at the beginning of the
14 meeting, from Laura Fisher and Bob Bissland, 1590 Canyon Road, expressing concern that proper noticing
15 requirements had not met because the Herald Journal did not publish the agenda until the morning of the meeting.

- 16 • Mayor Simmons explained the attorney from the Utah Local Government Trust has explained the difference
17 of a public hearing and a public meeting by using the analogy of a backflow valve. He explained during a
18 public hearing the public has a right to address the Council; during a public meeting the Council talks.
- 19 • Laura Fisher felt the newspaper failed to publish the notice within 24 hours. S Gomm explained the City is
20 required to notify the newspaper; the newspaper does not have to publish.
- 21 • Denise Albistan, Herald Journal reporter, stated the newspaper received the agenda prior to the 24-hour
22 notice requirement. The paper is not required to publish the agenda; it does so as a service. Their policy is
23 to publish the morning of the meeting.

24 **Presentations and Proclamations:**

25 **Item No. 1. Employee of the Quarter for the 4th quarter of 2005.**

- 26 • Mayor Simmons presented Courtnee Bankhead as the Employee of the Quarter for the 4th quarter of 2005.

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

31 Motion to handle the consent calendar items separately – S Gomm, second – R Liechty,

32 Vote: Yea: Kathy Baker, Stacie Gomm, Deon Johnson, Ron Liechty, Trent

33 Rasmussen

34 Nay: None

35 Abstained: None

36 Excused: None

37 **Item No. 1. Approval of the minutes for the January 24, 2006 City Council Meeting.**

38 Motion to approve the minutes of January 24, 2006 – R Liechty, second – D Johnson,

- 39 • Corrections: None

40 Vote: Yea: Kathy Baker, Stacie Gomm, Deon Johnson, Ron Liechty, Trent

41 Rasmussen

42 Nay: None

43 Abstained: None

44 Excused: None

45 **Item No. 2. Resolution 06-008. The Providence City Council will consider for adoption a resolution**
46 **adjusting the reimbursement rate for authorized travel by personal vehicle.**

47 Motion to approve Resolution 06-008 – S Gomm, second – R Liechty,

48 Vote: Yea: Kathy Baker, Stacie Gomm, Deon Johnson, Ron Liechty, Trent

49 Rasmussen

50 Nay: None

51 Abstained: None

1 Excused: None

2 **Item No. 3. Resolution 06-014. The Providence City Council will consider for adoption a resolution**
3 **authorizing the Mayor to execute a Street Lighting Agreement with UDOT.**

- 4 • This is an additional street light for the intersection at 100 North and Hwy 165; the left-turn light will be
5 installed at a later date.

6 Motion to approve Resolution 06-014 – D Johnson, second – T Rasmussen,

7 Vote: Yea: Kathy Baker, Stacie Gomm, Deon Johnson, Ron Liechty, Trent

8 Rasmussen

9 Nay: None

10 Abstained: None

11 Excused: None

12 **Item No. 4. Resolution 06-013. The Providence City Council will consider for adoption a resolution**
13 **authorizing the Mayor and City Recorder to execute a Right-of-Way and Easement Grant to Questar Gas**
14 **Company for the extension of a gas line in Zollinger Park.**

15 Motion to approve Resolution 06-013 – R Liechty, second – D Johnson,

- 16 • S Gomm asked for clarification of the placement. R Eck explained the line will be about 20 feet east of the
17 irrigation line that runs just east of the Middle School's east parking lot.
18 • D Johnson explained the line is coming from 100 North instead of 200 West to avoid cutting asphalt in the
19 driveway.

20 Vote: Yea: Kathy Baker, Stacie Gomm, Deon Johnson, Ron Liechty, Trent

21 Rasmussen

22 Nay: None

23 Abstained: None

24 Excused: None

25 **Public Comments: The City Council will hear comments from the public. There will be a three-minute**
26 **time limit per person and an overall time limit of fifteen minutes for the Public Comments portion of the**
27 **agenda. All comments are to be directed to the City Council. State law prohibits the City Council from**
28 **taking action on a specific item unless it appears on the posted Agenda.**

- 29 • Laura Fisher read Utah Code 52-4-1 and requested the City Council no longer limit the public comment
30 portion of the meeting. She felt the meeting was not a legal meeting and requested the meeting be
31 cancelled.
- 32 • David Anderson, 260 W. 100 S., stated he represented the residents living along 100 South west of 200
33 West. He thanked Council Members S Gomm and R Liechty for their time on the task force. D Anderson
34 explained the current residents are only willing to give property for water and sewer easements if the City
35 agrees to a cul-de-sac. He requested the Council Members vote for a cul-de-sac or against the entire
36 resolution. He reported the residents have taken care of the road for a number of years thus maintaining an
37 interest in the property.
- 38 • D Johnson asked if D Anderson was speaking for all land owners. D Anderson stated he only represented
39 the residents living on 100 South, not the owners of the undeveloped land.
- 40 • Sheryl Eames, 98 East 400 South, expressed alarm at Mayor Simmons unilateral direction, most recently a
41 letter written to the Cache County Council regarding the Rinderknecht property. She asked the Council to
42 use their vote to establish policy. She also expressed concern that council members do not received agenda
43 information early enough.
- 44 • Eleanor Hanson, 750 South 400 East, gave the Council and aerial photo of the proposed Hillcrest
45 Subdivision. She expressed concern about the density, water, sewer, and emergency preparedness. She did
46 not feel the Council had addressed these concerns which were brought up in August 2005.
- 47 • Ken Sim, 23 East Andrews Ln, expressed concern about the Council's trend toward larger lot sizes. He felt
48 they priced many out of the ability to live in Providence. He stated current real estate trends do not favor
49 larger lots. He felt rather than large lots there were other alternatives to preserve rural character. He felt
50 planning should be taken on a larger scale.
- 51 • Larry Tanaka, 596 Canyon Rd, stated the Cove Subdivision affects his property directly. He has not given

1 permission for the developer to use his property to access Canyon Road. He explained the County
2 Recorder did not feel the emergency access could be used. He stated realtors have been showing and
3 selling the proposed lots. He reported a realtor has accepted down payments on proposed lots.

- 4 • Mark Stimson, 480 Hillsborough, spoke to Item No. 4 and Item No. 6. He stated he was in favor of Item
5 No. 6 for the Temporary Land Use Regulation. He was also in favor of Item No. 4.
- 6 • Denise Strong, 839 Grandview Dr, addressed rezone requests. She felt the Council assumed a rezone
7 request has to be authorized. She explained there is case law that gives the Council the opportunity to deny
8 zone changes. She explained the Master Plan is not a legal requirement; it is a political statement to be used
9 as a guideline. Mayor Simmons explained zoning is a legislative issue – it can be rejected. Subdivisions
10 are administrative decisions, if they meet the ordinances they must be approved.

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

12 **Unfinished Business:**

13 **Item No. 1. Resolution 06-009. The Providence City Council will consider for adoption a resolution**
14 **stating the Council's intent for the improvement of 100 South from 200 West to Highway 165.**

- 15 • S Gomm presented the Council with two letters; one from the residents living on 100 South; one from
16 Amsource Realty.
- 17 • S Gomm reported the task force met and 7 ideas were discussed. They can be grouped into three forms – a
18 cul-de-sac, a "T" street, and a through street. She gave the Council a copy of the Task Force's list of pros
19 and cons for each idea.
- 20 • S Gomm reported the through street option would take the road from 200 West to SR 165. The cul-de-sac
21 option would either be at the Thompson Peterson properties or at the east end. The residents prefer the
22 Thompson Peterson option. The "T" would end where a proposed roundabout may have been placed. The
23 road coming from the west would not enter the "T".
- 24 • S Gomm reported the Task Force was not able to come up with a compromise because the parties were not
25 willing to give. They received a lot of information, but no compromise. D Johnson asked if a one-way
26 street was discussed. S Gomm stated a one-way was never discussed.
- 27 • S Gomm suggested, if an option is approved, the details of the option would be discussed at a later date.
- 28 • Mayor Simmons reported the City Staff is working on proposals for more flexibility in right-of-way widths
29 and designs.
- 30 • K Baker asked how water and sewer lines would be dealt with. She did not feel there was enough width. S
31 Gomm explained these easements would be dealt with regardless of which road option was chosen.

32 **Motion to approve Resolution 06-009 with a cul-de-sac and a 40-foot right-of-way – D Johnson, second – K Baker,**

- 33 • R Liechty expressed concern about the cooperation of the property owners below the cul-de-sac. D
34 Johnson felt the City could get access. M Thompson stated he had a 16-foot access that extended to SR
35 165. Mayor Simmons explained the City is looking for a Right-of-Way Expert to "sanitize" the right-of-
36 ways.
- 37 • Mark Thompson, 375 West 100 South, wanted the property owners to own behind the cul-de-sac.
- 38 • S Gomm explained the raw land owners are very concerned about their ability to develop if a cul-de-sac is
39 approved.
- 40 • R Liechty was concerned that there is a prescriptive easement that has been used by many – it is tough to
41 close the road. He would like to see the cul-de-sac on the east end; it could be justified by the narrow width
42 at the east end. Everyone would have the same travel path vs. half the opportunity to go east. He is not in
43 favor of a cul-de-sac on the Thompson Peterson properties. K Baker expressed concern the cul-de-sac on
44 the east would impact Dave Anderson's property.
- 45 • R Liechty asked D Anderson if the east cul-de-sac is acceptable. D Anderson stated it was. D Anderson
46 did not want to have the cul-de-sac on the Homan property; he felt the entire cul-de-sac should be on his
47 property. D Anderson stated the Homans do not want the east cul-de-sac.
- 48 • Kent Dunkley, 285 West 100 South, explained the idea of two cul-de-sacs back to back was discussed by
49 the task force. He felt the easement would be stopped with either cul-de-sac. He asked where the raw land
50 owners were; he felt the residents living on 100 South should have more consideration than the raw land
51 owners. R Liechty explained the Council was aware of the raw land owners concerns. R Liechty felt the

1 decision had to be the best for the overall City.

- 2 • Carl Pitt, Amsource, stated he and a couple of raw land owners feel a cul-de-sac takes away their ability to
3 fully develop their property. He felt if the commercial core was to develop, and 100 South was limited, it
4 would frustrate development.
- 5 • D Johnson felt where ever the cul-de-sac was located it would cause concern for the raw land owners. He
6 did not feel 100 South was necessary for the commercial area. He felt the west cul-de-sac would provide
7 separation of residential and commercial.

8 Vote: Yea: K Baker, D Johnson
9 Nay: S Gomm, R Liechty, T Rasmussen
10 Abstained: None
11 Excused: None

12 Motion to cul-de-sac east end – D Johnson, second K Baker,

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

- 17 • K Baker asked how the residents felt about a “T” street. D Anderson explained the residents are not willing
18 to compromise; they are only willing to work with a cul-de-sac.
- 19 • S Gomm asked if litigation strategies should be discussed in a closed session. Mayor Simmons did felt
20 litigation strategies would wait for another time.
- 21 • Reese Peterson, 386 West 100 South, asked why the City was making it so tough – a cul-de-sac was the
22 only answer. S Gomm explained in working with the Task Force she had really hoped for a compromise.
23 As she looks at all the pros and cons and all the information presented during the committee meetings, she
24 was disappointed that a compromise was not reached. She felt the issue had be come does the City look at
25 the best for the whole while sacrificing a few; or do you sacrifice the whole for the good of a few.
- 26 • T Rasmussen felt the vested interest of the Council is to look at the good of the community. While he
27 wanted the residents of 100 South to be satisfied, he also wanted the best for the City.
- 28 • R Liechty stated he voted no to the cul-de-sac on the east because the 100 South residents were not unified.
- 29 • T Rasmussen would like to explore the possibility of a one-way street.
- 30 • K Baker asked if this is a prescriptive easement, does that not enter into the process. Mayor Simmons
31 explained all of the property owners involved have some liability. D Anderson stated the widest part of the
32 road is 22 feet. Mayor Simmons felt the water and sewer lines could be installed within the current
33 prescriptive easement.

34 Motion for a through street – S Gomm,

- 35 • Motion failed lack of second

36 Motion for a “T” intersection – S Gomm

- 37 • Motion failed lack of second.

38 Motion to table – S Gomm

- 39 • K Dunkley reported the comment was made in a task force meeting that the raw land property owners
40 would not use 100 South.
- 41 • T Rasmussen felt he needed more time to make a decision. D Johnson felt the Council should make a
42 decision tonight. S Gomm questioned if waiting would be beneficial. She felt whatever the decision,
43 someone would be angry. R Liechty felt waiting may allow the Council time to review the pros and cons. T
44 Rasmussen asked for an opinion from S Gomm and R Liechty. S Gomm felt no matter the decision, one
45 group would view it negatively; the most positive road for the City as a whole should be selected.
- 46 • C Pitt felt Amsource would have a problem if 100 South was not a through street. He felt traffic calming
47 devices could be used solve safety concerns. He explained the area from 100 North to 300 South would be
48 vital to the future of Providence; he felt the extension of 100 South was as important to the commercial
49 community as 300 South and 100 North.
- 50 • Amy Kohler, 275 West 100 South, felt a life may be lost if 100 South was a through street.
- 51 • D Johnson disagreed with C Pitt. He did not feel 100 South was important to the commercial area at this

1 time. He felt the only way to develop a buffer between residential and commercial was a cul-de-sac.
2 However; D Johnson felt the cul-de-sac should be built so it can be opened for the straight through
3 extension of 100 South in the future.

- 4 • S Gomm explained the residents want an agreement to never extend the cul-de-sac before they will dedicate
5 the right-of-way. D Anderson felt if the property owners were willing to give up the land for the cul-de-sac
6 now; and then in the future if the City put the road through, the property owners should be compensated.

7 Motion to approve with the cul-de-sac – D Johnson, K Baker

8 Vote: Yea: K Baker, D Johnson, T Rasmussen

9 Nay: S Gomm, R Liechty

10 Abstained: None

11 Excused: None

- 12 • There was some confusion about the placement of the cul-de-sac.

13 Motion to reconsider – K Baker, second – T Rasmussen

14 Vote: Yea: K Baker, D Johnson, T Rasmussen

15 Nay: S Gomm, R Liechty

16 Abstained: None

17 Excused: None

18 Motion to approve with the cul-de-sac at the west end as proposed by the homeowners – D Johnson, K Baker,

19 Vote: Yea: K Baker, D Johnson, T Rasmussen

20 Nay: S Gomm, R Liechty

21 Abstained: None

22 Excused: None

23 Motion to instruct Mayor, Staff and appropriate members of the Council to meet to discuss the plans for the cul-de-
24 sac and prepare the agreements with the property owners - S Gomm, second – R Liechty,

25 Vote: Yea: Kathy Baker, Stacie Gomm, Deon Johnson, Ron Liechty, Trent

26 Rasmussen

27 Nay: None

28 Abstained: None

29 Excused: None

30 **Item No. 2. Resolution 06-010. The Providence City Council will consider for adoption a resolution**
31 **outlining the strategic plan for fiscal years 2007 and 2008 and incorporating the plan in the balance of fiscal**
32 **year 2006.**

- 33 • Mayor Simmons read the resolution. Mayor Simmons explained as the plans are developed, the Council
34 will involve citizens on committees for recommendations. This tool will also assist in developing the City's
35 budget. The hope is to be a goal driven City rather than a task driven City.
- 36 • D Johnson thanked the Mayor and Administrator for setting up the retreat. He felt Anne Wescott facilitated
37 the meeting very well.

38 Motion to approve Resolution 06-010 – R Liechty, second – T Rasmussen

39 Vote: Yea: Kathy Baker, Stacie Gomm, Deon Johnson, Ron Liechty, Trent

40 Rasmussen

41 Nay: None

42 Abstained: None

43 Excused: None

44 **Item No. 3. Discussion. The Providence City Council will discuss forming committees comprised of**
45 **citizens, city staff, and council members.**

- 46 • Mayor Simmons explained he would like two members of the Council on each committee. S Gomm and R
47 Liechty will serve on the Communication Committee.

48 Motion to move this discussion to the next council meeting – S Gomm, second – R Liechty,

49 Vote: Yea: Kathy Baker, Stacie Gomm, Deon Johnson, Ron Liechty, Trent

50 Rasmussen

51 Nay: None

52 Abstained: None

1 Excused: None

2 **Item No. 4. Resolution 06-011. The Providence City Council will consider for adoption a resolution**
3 **establishing guidelines for participation in city council meetings.**

4 **Mayor Simmons read the resolution. He explained the guidelines presented came from Monterey, CA.**

- 5 • Mayor Simmons read the proposed resolution and explained these guidelines are for meetings. The Council
6 suggested the following changes:
7 No. 2 on any topic ~~not on the agenda~~ by the,
8 No. 3 state name and address for
9 No. 4 The mayor ~~will~~ may

10 Motion to approve Resolution 06-011 as amended – D Johnson, second – K Baker.

11 Vote: Yea: Kathy Baker, Stacie Gomm, Deon Johnson, Ron Liechty, Trent
12 Rasmussen

13 Nay: None

14 Abstained: None

15 Excused: None

16 **Item No. 5. Resolution 06-015. The Providence City Council will consider for adoption a resolution**
17 **requesting the Planning Commission to consider changes to Providence City Code Title 10 Chapter 4**
18 **Establishment of Districts, Chapter 6 Use Regulations, and Chapter 8 Area Regulations and Parking**
19 **Requirements.**

20 Motion to approve Resolution 06-015 – R Liechty, second – T Rasmussen.

- 21 • S Gomm explained the goal it two-fold; first to add SFL single-family large (or whatever term) basically a
22 half-acre zone; second condense the number of terms for residential districts. In doing so three chapters
23 need to be changed. She suggested three districts; Agricultural, single-family, multi-family.
- 24 • Mayor Simmons explained the individual council members can petition the Planning Commission to
25 consider something as a citizen. If the entire Council takes a position, it should be done by resolution.

26 S Gomm explained this is to get the Planning Commission to consider changes; appropriate public hearings will be
27 scheduled in the future.

28 Vote: Yea: Kathy Baker, Stacie Gomm, Deon Johnson, Ron Liechty, Trent
29 Rasmussen

30 Nay: None

31 Abstained: None

32 Excused: None

33 **New Business:**

34 **Item No. 1. Resolution 06-016. The Providence City Council will consider for adoption a resolution**
35 **approving the Final Plat for Alder Square Commercial Subdivision-Phase 1, a 9-lot commercial subdivision,**
36 **located generally at 100 North Highway 165.**

37 **Mayor Simmons read the resolution.**

- 38 • Carl Pitt represented Amsource.

39 Motion to approve Resolution 06-016 – D Johnson, second – R Liechty.

- 40 • Mayor Simmons explained this is the type of administrative decision, where if the ordinances are met, the
41 Council must support it.

42 Vote: Yea: Kathy Baker, Stacie Gomm, Deon Johnson, Ron Liechty, Trent
43 Rasmussen

44 Nay: None

45 Abstained: None

46 Excused: None

47 **Item No. 2. Resolution 06-017. The Providence City Council will consider for adoption a resolution**
48 **supporting a change in classification for Highway 165 from approximately 50 North to 300 South.**

- 49 • Mayor Simmons explained Carl Pitt drafted a letter for the Mayor's signature requesting UDOT to change
50 the classification from a 3 to a 5 for Hwy 165, from approximately 50 North to 300 South, to reduce the
51 speed limit and allow access spacing.

52 Motion to approve Resolution 06-017 – S Gomm, second – R Liechty.

- T Rasmussen asked about accesses into the development. Mayor Simmons explained there is one access into Phase 1. If the road is reclassified, an entrance off of Hwy 165 into Phase 2 may be allowed.
- K Baker asked about a traffic signal on 300 South. R Eck explained UDOT wants to preserve the corridor for through traffic, but did not rule out the possibility of a light.
- C Pitt explained the current warrant for a traffic light under UDOT standard for 300 South has not been met.

Vote: Yea: Kathy Baker, Stacie Gomm, Deon Johnson, Ron Liechty, Trent Rasmussen
Nay: None
Abstained: None
Excused: None

Item No. 3 Resolution 06-018. The Providence City Council will consider for adoption a resolution approving the Preliminary Plat for South Bench Estates, a 3-lot residential subdivision located generally at 1039 South 400 East.

- Mayor Simmons read the resolution.

Motion to approve Resolution 06-018 – S Gomm, second – R Liechty,

- S Bankhead declared a conflict of interest explaining she owned one of the existing homes in the subdivision.

Vote: Yea: Kathy Baker, Stacie Gomm, Deon Johnson, Ron Liechty, Trent Rasmussen
Nay: None
Abstained: None
Excused: None

Item No. 4. Resolution 06-019. The Providence City Council will consider for adoption a resolution approving the Preliminary Plat for The Cove, a 26-lot residential subdivision, located generally at 690 Grandview Drive.

Mayor Simmons read the resolution.

- Mayor Simmons explained the preliminary plat approval is coming before the request for zoning because of the policy in place at the time of application. The policy has since been changed.
- Mayor Simmons explained the developer originally proposed a cul-de-sac. The City asked for a through street. The City spoke with legal counsel, Jody Burnett; after reviewing the deeds, he interpreted the existing right-of-way could be developed.
- Mayor Simmons explained a complete road could not be built without L Tanaka’s permission. However, an emergency access with a gate can be built. R Eck explained this is an emergency access only, in the event the Grandview access is blocked.
- L Tanaka asked why this property is being looked at for preliminary plat before zoning. Mayor Simmons explained the previous City Manager changed the policy, which can be done administratively, to consider preliminary plat before changing the zone; thus holding the development hostage to the rezone until the Council approved the design of the development. Even though this administration has changed the policy, this is being considered under the policy in place at the time of the application.
- Mayor Simmons explained the lots sizes average 0.31 acre.
- K Baker explained the access is not an easement, it is a deeded right-of-way. K Baker explained it is a 20-foot right-of-way. R Simmons explained 20-feet will not allow for a fully improved road. R Simmons explained there is still an option of working with L Tanaka. T Rasmussen asked about working with the Draney property. Mr. Draney does not want to have any portion on the road on his property.
- R Simmons explained there is still time to negotiate with L Tanaka. L Tanaka questioned the measurements on the proposed plat. Mayor Simmons explained the boundaries will be verified. Dan Hogan reported the boundary survey has been complete and the lines established. D Hogan explained as the developer, he is willing to develop a partial road. R Simmons explained the concern of the Development Review Committee (DRC) with a partial road is there is no room for foot traffic.
- S Gomm wanted to know L Tanaka’s decision before voting. Mayor Simmons explained under the current

1 ordinance the development can proceed with a cul-de-sac. L Tanaka declined to accept an offer by the City
2 for the additional property to build a through street. The City and the Developer are still willing to
3 negotiate should L Tanaka decide to reconsider. D Hogan explained with the cul-de-sac, the sewer will flow
4 south in an exiting easement; it does not have to connect on Canyon Road.

- 5 • Mayor Simmons explained the ordinance does not stipulate the process of zoning and subdivision plat
6 approval, it is done by policy. Mayor Simmons explained this was held up at the request of the City to
7 work with L Tanaka on the access to Canyon Road. R Eck reported the Fire Marshall agreed to the cul-de-
8 sac – they would prefer the access to Canyon Road – but a cul-de-sac will work.
- 9 • D Turner explained the Grandview access meets the slope requirements for an intersection. R Liechty
10 asked who would pay for the service road. D Hogan explained the development would install the service
11 road.
- 12 • G Stauffer felt there would be an ordinance problem with a reduced road. Mayor Simmons explained that
13 is why DRC recommended a service road. D Hogan felt a safe road could be taken to Canyon Road, even
14 without L Tanaka’s property.

15 Motion to approve Resolution 06-019 – R Liechty, second – D Johnson.

- 16 • S Gomm had concern for the future owners of Lot 10. She felt the service road was a band-aid. R Eck
17 explained staff felt the service road was more than a band-aid, it allowed for the extension of services and
18 in an emergency situation (where Grandview can’t be accessed) the service road is there. R Eck explained
19 the City will maintain the service road, including snow removal.

20 Vote: Yea: Deon Johnson, Ron Liechty,

21 Nay: K Baker, T Rasmussen

22 Abstained: Stacie Gomm

23 Excused: None

24 Tie broken by Mayor Simmons – Yea.

- 25 • Mayor Simmons disclosed that he accepted campaign donations from the developers of the Cove.
26 However, disclosing the conflict still allows him to vote.

27 **Item No. 5. Ordinance Modification 003-2006. The Providence City Council will consider for adoption**
28 **an ordinance approving a zone change from Agricultural to Single Family Traditional (SFT) for a 20.07(+/-)**
29 **acre parcel located generally at 870 South 400 East.**

- 30 • Mayor Simmons read a letter from Jay Anderson, 1090 South 400 East, opposing the zone change.
- 31 • Mayor Simmons read the finding of facts, conclusions of law, and conditions from the proposed ordinance.

32 Motion to table Ordinance Modification 003-2006 because at several Planning Commission Meetings he has asked
33 the developer to redesign the development with fewer lots and larger lots, to meet the area. He also asked for
34 opinions from realtors regarding property values of surrounding home – R Liechty – second T Rasmussen.

- 35 • Jared Nelson explained they are currently asking for a rezone. The design will come later.
- 36 • S Gomm felt the Council could change the zone to something else such as Single-family Estate.
- 37 • Mayor Simmons explained he looked at water use, comparing Brookside to Hillsborough. The Brookside
38 homes average 17,000 gallons on 6,000 – 8,000 square-foot lots; the Hillsborough homes average 72,000
39 gallons on acre lots. The net yield of Brookside homes are 3.75 per acre; thus approximately 64,000
40 gallons vs. 72,000 gallons.

41 R Liechty withdrew his motion. T Rasmussen withdrew his second.

- 42 • Mayor Simmons asked the Council to consider the possibility of the developer being vested. Case law is
43 clear that applying for a zoning request does not give vesting. Mayor Simmons reported he discussed
44 vesting of this development with Craig Call; it was C Call’s opinion that the developer is not vested.
45 However, the developer believes he is vested.
- 46 • S Gomm did not feel there was a need for single-family estate. But she felt the lots should be larger than
47 12,000 square feet.
- 48 • T Rasmussen asked if the Cove development would lend to this zone. S Gomm felt it would and explained
49 the Highlands is also single-family traditional.
- 50 • T Rasmussen suggested meeting with the Planning Commission to look at various zones. S Gomm
51 explained that is coming; but this group is already in the pipeline.

- 1 • K Baker disclosed that she and her husband own the adjoining property.

2 Motion to approve as single-family estate – R Liechty, second – K Baker,

3 Vote: Yea: Kathy Baker, Deon Johnson, Ron Liechty, Trent

4 Rasmussen

5 Nay: Stacie Gomm

6 Abstained: None

7 Excused: None

8 **Item No. 6. Ordinance Modification 004-2006. The Providence City Council will consider for adoption**
9 **an ordinance modifying Providence City Code 10-1-5 [Zoning] Amendments, Changes by enacting a**
10 **temporary land use regulation on zone changes from Agricultural to Residential on applications received**
11 **after February 14, 2006.**

- 12 • Mayor Simmons explained this is the equivalent of a moratorium; it cannot exceed 6 months.

13 Motion to approve Ordinance Modification 004-2006 – K Baker, second – R Liechty,

- 14 • Mayor Simmons suggested a resolution on the next council agenda requesting the Planning Commission
15 begin work on the general plan.

16 Vote: Yea: Kathy Baker, Stacie Gomm, Deon Johnson, Ron Liechty, Trent

17 Rasmussen

18 Nay: None

19 Abstained: None

20 Excused: None

21 **Item No. 7. Election of a mayor pro-tem**

- 22 • Mayor Simmons opened nominations for mayor pro-tem.

23 Motion to nominate R Liechty – K Baker, second – T Rasmussen

24 Motion to cease nominations – S Gomm, second – K Baker

25 Vote: Yea: Kathy Baker, Stacie Gomm, Deon Johnson, Ron Liechty, Trent

26 Rasmussen

27 Nay: None

28 Abstained: None

29 Excused: None

30 Mayor Simmons called for the vote for all in favor of R Liechty as mayor pro-tem.

31 Vote: Yea: Kathy Baker, Stacie Gomm, Deon Johnson, Ron Liechty, Trent

32 Rasmussen

33 Nay: None

34 Abstained: None

35 Excused: None

36 **Item No. 8. Resolution 06-012. The Providence City Council will consider for adoption a resolution**
37 **supporting GEM designation for Providence Canyon.**

38 Mayor Simmons reported he has received requests from residents to apply for the GEM designation.

39 Motion to approve Resolution 06-012 – D Johnson, second – R Liechty,

40 Motion to amend the motion to apply only if it does not jeopardize the water – S Gomm, second – T Rasmussen,

41 Vote on amending motion:

42 Yea: Kathy Baker, Stacie Gomm, Deon Johnson, Ron Liechty, Trent

43 Rasmussen

44 Nay: None

45 Abstained: None

46 Excused: None

47 Vote on motion as amended:

48 Yea: Kathy Baker, Stacie Gomm, Deon Johnson, Ron Liechty, Trent

49 Rasmussen

50 Nay: None

51 Abstained: None

52 Excused: None

1
2 **Staff Reports: Items presented by Providence City Staff will be presented as informational only.**

- 3 • R Eck reported he will be removing the ribbons on the trees along 100 North within two weeks.

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

7 Council Member Trent Rasmussen – no report

8 Council Member K Baker volunteered to serve on historic preservation.

9 Council Member D Johnson reported he will be in St George for Rural Water during the next Council Meeting.

10 Mayor Simmons discussed the letter protesting Jay Rinderknecht’s request to designate Ag Protection Zone.

- 11 • The Mayor’s letter represented that is area planned for Spring Creek Parkway. The Mayor reported in a
12 recent conversation with J Rinderknecht, he stated no one from the City had ever approached him on the
13 extension of the Parkway. An Ag Protection Zone is not permanent and the owners can decide to remove
14 the property from the Zone. An Ag Protection Zone shields the farmer, if the cows get out and harm
15 someone’s property the farmer has some protection.
- 16 • R Liechty did not want to establish something that would reduce someone’s responsibility for their animals.
- 17 • Ned Miller, 480 North 400 East, reported he lives adjacent to the property. J Rinderknecht has always kept
18 his animals in. He felt J Rinderknecht was seeking protection to preserve the ability for his animals to
19 graze.
- 20 • K Baker felt the property owner should be entitled to Ag Protection.
- 21 • Mayor Simmons explained the down side for the City is that eminent domain cannot be used on property in
22 an Ag Protection Zone. S Gomm would like to work toward obtaining the necessary right-of-ways for
23 travel corridors in the north bench. Mayor Simmons reported there may be other alternatives; two property
24 owners have discussed options for roads that do not affect the property in question.
- 25 • R Liechty asked N Miller if he would care if the cows got out and destroyed his property. N Miller said he
26 would not complain – he supports J Rinderknecht.
- 27 • Mayor Simmons reported there is a possibility for future access to 300 East and another possibility to
28 access 400 East.
- 29 • K Baker, T Rasmussen, and D Johnson felt the City should withdraw the protest. S Gomm and R Liechty
30 were concerned about giving up options that may be needed in the future.
- 31 • Mayor Simmons will withdraw the City’s opposition to J Rinderknecht’s request.

32 Right-of-way issues:

- 33 • Mayor Simmons reported M Hoth would like to have the City vacate the property. Mayor Simmons
34 reported Bill Bertolio, 437 East 125 North, is willing to re-route the path. Mayor Simmons and R Liechty
35 will talk to the property owners about dedicated paths in the Temple View Subdivision.
- 36 • Mayor Simmons reported he is looking for a Right-of-Way Expert to assist in cleaning up road right-of-
37 ways. Utility companies tend to use them.

38 Council Member Ron Liechty:

39 Planning Commission

- 40 • R Liechty felt the Planning Commission would be willing to consider holding two meetings per month.
- 41 • Mayor Simmons and S Gomm felt, because of the temporary land use regulation on zoning, the Council
42 should consider an action item requiring two planning commission meetings per month.
- 43 • Jon Mock asked if the two meeting could be temporary until the zoning ordinances and master plan are
44 update; then go back to one meeting per month.
- 45 • R Liechty suggested B Sorensen be thanked for his time on the Commission and move the Chair to Jim
46 Beazer.

47 Motion to request the Planning Commission to meet on the first and third Tuesdays of each month – S Gomm,
48 second – R Liechty.

49 Vote: Yea: Kathy Baker, Stacie Gomm, Deon Johnson, Ron Liechty, Trent

50 Rasmussen

51 Nay: None

1 Abstained: None
2 Excused: None
3 Council Member S Gomm requested time on the agenda to present the communication plan.
4 Motion to adjourn – R Liechty, no second needed.
5 Meeting adjourned at 10:10 p.m.
6
7 Minutes taken and prepared by S Bankhead.8
9

10
11 _____
12 Randy T. Simmons, Mayor

Skarlet Bankhead, City Recorder