

1 **PROVIDENCE CITY COUNCIL MEETING MINUTES**  
2 **February 26, 2008**  
3 **Providence City Office Building**  
4 **15 South Main, Providence UT**

5  
6 Call to Order: Mayor Randy Simmons  
7 Roll Call of City Council Members: Mayor Randy Simmons  
8 Attendance: Kathy Baker, David Low,  
9 Trent Rasmussen, John Russell, Mayor Simmons  
10 Excused: Ron Liechty  
11 Pledge of Allegiance: Trent Rasmussen

12  
13 **APPROVAL OF THE MINUTES FOR FEBRUARY 12, 2008 CITY COUNCIL AND PLANNING**  
14 **COMMISSION JOINT WORKSHOP:**

15 Motion to approve the minutes for the February 12<sup>th</sup> meeting– K Baker Second- J Russell

16 K Baker said she gave Katie McDermott a copy of the minutes with some typos she found that needed to be  
17 corrected.

18 J Russell said on page 6 of 6, line 35 he wanted to clarify and change to “the library situation is as controversial  
19 and on going as sidewalks”

20 Vote: Yea: K Baker, D Low, T Rasmussen, and J Russell

21 Nay: None.

22 Abstained: None.

23 Excused: R Liechty

24  
25 **PUBLIC COMMENTS:**

26 Roger Dahle read the Mayor’s comment in the newsletter about letting him know when the City is doing  
27 something right. He wanted to publicly say that he thinks the City Public Works crew is doing a great job. He said  
28 he hasn’t seen cleaner or safer streets than the streets in Providence this winter.

29 Gary Stauffer said that Sharell Eames is sick and sent a letter to be read.

30 Mayor Simmons asked K Baker to read the letter that Sharell Eames wanted read. The letter first addressed HB  
31 177 that was being considered at the State Legislature. She thought that due to the bill they shouldn’t rezone the  
32 Redstone property. She wanted to reiterate her comments from the last meeting that the Providence Moms should  
33 be in charge of the sesquicentennial.

34 Mayor Simmons explained a little about HB 177. He said there is another bill that is much more restrictive being  
35 pushed by Dr. Gibby from Utah County. He also said that he did tell Ron Smith that he could schedule a meeting  
36 with Staff, City Council, and Planning Commission members.

37  
38 **TRAINING:** The Providence City Council will continue training on the open and public meetings act.

39 Mayor Simmons said they would take about 15 minutes to continue the Open and Public Meetings Act training.  
40 The Council continued watching the DVD from the League of Cities and Towns They finished at 32:13 on the  
41 DVD.

42  
43 **CONTINUED BUSINESS:**

44 Item No. 1. Ordinance No. 002-2008. The Providence City Council will consider for adoption an ordinance  
45 changing the zone of approximately 44 acres of property, Parcel ID #s 02-114-005, 02-114-0030, and 02-114-  
46 0037, located generally north and east of 755 Canyon Road, from Agricultural (AGR) to Single Family  
47 Traditional (SFT); requested by Redstone Development LLC.

48 Motion to discuss- D Low Second- T Rasmussen

49 Ken Bradshaw and Jamie Gull were in attendance representing Redstone Development.

50 K Baker asked why the agenda says SFT but the amendment said SFL.

51 S Bankhead said that the original request was for SFT but the Planning Commission recommended SFL.

52 J Gull added that although they requested SFT, the request was made before SFL existed. They were pleased with  
53 the recommendation from the Planning Commission for SFL. They also feel they would be able to have a nice  
54 development with a SFT rezone as well. They spoke with DRC on three different occasions and worked out some

1 issues together.

2 Mayor Simmons clarified what for the public that 'DRC' was the Development Review Committee.

3 J Gull said they went to the Planning Commission meetings 2-3 times. He believes that it resulted in a good

4 understanding for both "camps". He thought that was reflected in their unanimous support of SFL. He wanted to

5 address some issues that he knew were standing. He said it is roughly 42 acres because one piece is already

6 zoned. He showed a survey they had commissioned about a year and a half ago. There was an issue about access

7 with DRC and Planning Commission so he wanted to address that. He blew up the spot where the access is

8 proposed on a poster board. The disputed amount of land between J Gull's property and R Dahle's property is

9 0.06 of an acre.

10 T Rasmussen asked how steep the incline is going into the access point.

11 J Gull asked how many people had been to the property. All the council members had been there. The farm road

12 slope is very mild as is. The fire department said that 12 percent is the highest grade they want to see. They asked

13 an engineer if a 12 percent grade road would work.

14 J Gull said that it is about 12 percent right now.

15 T Rasmussen asked if the idea of the roads lining up at the intersection was gone now.

16 J Gull said that everyone felt that was a premature discussion. They did however get 3 ideas from an engineer.

17 That was left there because they can't go too deep into it before the rezone happens.

18 Mayor Simmons asked what the slope of the actual property is.

19 J Gull said they had a topographical map made. He wasn't sure what the cross slope is.

20 Mayor Simmons said if he was living at R Dahle's house he would wonder how the road would be engineered so

21 that someone won't drive off the road into his house.

22 J Gull said that they will engineer it to the highest safety standards. He said that he spoke with R Dahle several

23 times and hoped that Mr. Dahle would get a chance to speak to that.

24 K Baker said she thought there were only 2 pieces of property.

25 J Gull showed on the maps where the 3 separate pieces were located. He added that the other little sliver is where

26 the old Canyon Road was located. They also think that might be where the 25 ft. property dispute is coming from.

27 J Russell asked if the old Canyon Road was part of the other sliver.

28 J Gull said that it is actually the 3<sup>rd</sup> piece. The other piece is already zoned SFT.

29 R Dahle said that his survey company wouldn't start until the other survey was recorded for them to compare. He

30 said he is using Cache Landmark. He said that the other survey he had done was by Knighton and Crow. He said

31 that Stan Checketts told him he isn't sure where his north-west corner is. He said there are 3 scenarios. He said

32 there is about 54 feet from where he thinks his survey line is and where Stan Checketts thinks his survey is. He

33 said there is a mess, and he thinks the 3 parties need to figure out where the property lines are.

34 R Dahle also said that he is concerned about the design of the road because if a car went off the road it would be

35 launched directly into his house.

36 T Rasmussen read from the Staff Report on page 2 number 4.

37 J Gull said that he thinks it is ideal to have a road along the power lines. It is much better than having a house

38 under power lines.

39 Mayor Simmons asked if any Knighton and Crow caps were found.

40 J Russell asked what happens if the property dispute goes the other way.

41 C Carlston said that this is only about rezone. He said that they must meet the ordinances. If they didn't have

42 enough land to meet the ordinances then they wouldn't be able to build a road.

43 K Bradshaw said they could do a quit title action. This means that in court they let a judge decide where the

44 property line is.

45 J Gull said that he thinks it won't end up in that situation. He also said that in regards to safety and the road he

46 shares the same concern as Mr. Dahle. They have no interest in putting a death trap there. He said any good

47 developer will do everything they can and use every method available to make a safe road. He said there is ample

48 room to do safety engineering on the road. He said that he doesn't believe there is any dispute with the Stan

49 Checketts piece. He showed them the survey numbers. He said they have at least 79+ feet even if Mr. Dahle owns

50 the piece next to his property. He also said that this has been two years already. He said that these types of issues

51 are not usually dealt with at rezone. He said that it goes along with planning. They are rezoning parcels. He said

52 it's not realistic to frontload the process so much. He believes we need to be proactive about going forward.

53 Mayor Simmons asked the Checketts family if they could clarify.

54 Art Checketts explained that Theron Bringham put a stake in to shoot his lots. He said the property line is

1 actually where Mr. Gull's survey showed it. He said Mr. Bringhurst's stake is not the quarter section.  
2 R Dahle said there are 2 old green fence posts in both of the dots on the east of his property. He said he isn't  
3 trying to start a rumor that there is only 54 feet, and he doesn't know what Stan Checketts told Mr. Gull.  
4 Art Checketts said that a lot of people think that the deer fence is the top of the property line. That isn't always the  
5 case.  
6 J Gull said that Chad Checketts told him that they bought 02-114-0037 to ensure that they would have enough  
7 width for the road.  
8 Art Checketts said that's why they bought that parcel, and they paid a fortune for it.  
9 D Low wanted to know if J Gull was amiable to let R Dahle have his own survey.  
10 J Gull said that surveys aren't required at rezone. This doesn't really matter right now.  
11 D Low wanted to know if J Gull would be willing to let R Dahle get his survey done before they work things out.  
12 R Dahle said that if Redstone spends serious money and then can't get a road through there then it would be  
13 wasted time and money.  
14 S Bankhead said that if a road can't go through there then there must be a serious discussion about how important  
15 the road coming off that property is. She also asked from the Staff standpoint that we make sure that the road is  
16 built in the appropriate place, not necessarily the most convenient road. She said they want all the options to be  
17 left open.  
18 J Gull echoed that he didn't want the road to be pinned down right now.  
19 J Russell said that he was thankful for J Gull going above and beyond at the Planning Commission stage. He said  
20 he is hesitant to make a decision until we know what is going on. He isn't ready to make a decision at this point.  
21 K Baker said that she agrees with John.  
22 T Rasmussen said he thinks we should put a time constraint on it. He said we need to be very careful and also  
23 expedite it.  
24 J Russell said he agrees and thinks they need to get things rolling.  
25 J Gull said he feels like they are being held hostage. There are 79 feet non-disputed.  
26 D Low asked who is disputing the 79 feet. He asked R Dahle.  
27 R Dahle said his corner is disputed, but he's not sure about whether or not Stan is disputed.  
28 Kathrine Zuniga was one of the purchasers of the piece from Celco. She said they purchased a rectangular piece  
29 from Celco. She said Stan Checketts may somehow own the triangular piece, but in the original deed the piece  
30 was rectangular. The 25 feet on Stan Checketts' side is not disputed.  
31 Mayor Simmons asked C Carlston what will happen if there is only 54 feet and the City requests a 66 ft. road.  
32 C Carlston said that if they can't build a road then they can't develop.  
33 J Gull said that the piece of property is not going to be farmed. It makes sense to turn it into what it is supposed to  
34 be. It is SFT on the Master Plan. He said it is planned to be zoned as residential land.  
35 K Baker said this is the only time the City has the prerogative to say "not now". She said she would like to take it  
36 slow.  
37 J Gull said he feels "not yet" is arbitrary.  
38 K Baker would like to see the other survey.  
39 J Russell said that he agrees that this isn't going to be a ranch. He said he was raised to err on the side of caution.  
40 He wants to make sure we have all our ducks in the row.  
41 J Gull said Dan Hogan's land has no access but is zoned. He is willing to take the risk that they only have 79 ft.  
42 K Bradshaw said that a discussion with the Planning Commission was what the development will look like and  
43 what the zoning should be. He said that is premature because if Mr. Gull sold the property tomorrow and it was  
44 zoned then the development could look completely different. He said the only question is if the land is being  
45 zoned for what is in the Master Plan. He said that rezoning is the "key that opens the door" to bring more ideas in.  
46 He said there isn't a need for a survey at rezone. He said as it has been going on for 2 years. The fact that there is  
47 a rezone is not new news. He said he shouldn't be held hostage because he has gone above and beyond.  
48 J Russell asked why the survey was never recorded.  
49 Mayor Simmons asked since the public hearing was held the 14<sup>th</sup> of November and that means it was probably  
50 submitted to the City around October if there was a 30 day clock ticking.  
51 C Carlston said that they have to proceed with reasonable diligence.  
52 J Gull said they have tried to be good partners with the City. He feels they have gone above and beyond.  
53 D Low asked R Dahle if there will still be enough for a road.  
54 T Rasmussen said that with the ordinance being the way it is they have met the requirements and then some. He

1 said the decision on them is to decide between SFL and SFT as per the recommendation of the Planning  
2 Commission. He wants to believe that everything will work out. He said there are some things that will have to be  
3 worked out. This is just his gut feeling.  
4 D Low asked if there are better options. He asked if SFT is a better option.  
5 T Rasmussen said that there is something to say about SFT, but SFL is less density that will fit with existing  
6 homes.  
7 Mayor Simmons said SFL has some more flexibility and bonuses for open space.  
8 D Low said that sometimes he looks at SFL as property that no one can afford but lawyers and doctors. He  
9 wanted to know if it was unreasonable to wait 2 weeks.  
10 J Gull said 2 weeks is fine, but he just worries about 2 weeks turning into 2 months. He didn't know if 2 weeks  
11 are going to do anything.  
12 Mayor Simmons asked C Carlston about the annexation agreement. He said conceivably they could find  
13 somewhere else for an access. He wanted to know if there could be another condition added that the access must  
14 be off Canyon Road.  
15 C Carlston didn't think so.  
16 D Low wanted to know if they could talk to Stan.  
17 K Bradshaw asked even if the very worst case scenario came true then what will the City Council do? They need  
18 to ask themselves if that scenario changes the issue of rezoning.  
19 Motion to approve Ordinance 002-2008 following the Planning Commission recommendation that this property  
20 be rezoned to SFL from AGR- T Rasmussen Second- None.  
21  
22 Motion that we continue Ordinance 002-2008 until the next meeting recommending that the meeting be on March  
23 13<sup>th</sup>- J Russell Second- K Baker  
24 Vote: Yea: K Baker, D Low, J Russell  
25 Nay: T Rasmussen  
26 Abstained: None.  
27 Excused: R Liechty  
28  
29 Break 7:59pm-8:09pm  
30  
31 Item No.2. Ordinance No. 003-2008. The Providence City Council will consider for adoption an ordinance  
32 identifying exceptions to sewer connection.  
33 Motion to approve Ordinance No. 003-2008-J Russell Second- T Rasmussen  
34 Mayor Simmons said they spoke with Randy Eck this morning. He showed the Council some pictures on the  
35 white board.  
36 S Bankhead said that her home is one of the homes that are below the level of the sewer. She wanted to clarify  
37 that if they make an exception her home will probably be one of them.  
38 Mayor Simmons said that the new ordinance says if the property owner is 300 feet from the main line then they  
39 need to connect. He said he is also encouraging that if their basement needs to pump but their main floor can  
40 gravity flow then they need to hook up. They also added a clause for an agreement.  
41 J Russell asked if people get grandfathered in.  
42 Mayor Simmons said no. He said R Eck is really happy with Version #1.  
43 S Bankhead said councils every once in a while tell the City to enforce the ordinance.  
44 Mayor Simmons asked what happens if they don't hook up.  
45 C Carlston said that we can disconnect their water service.  
46 Motion to approve Ordinance No. 003-2008 substituting Version 2 that was presented and replacing the word  
47 adjacent with parallel to-J Russell Second- K Baker  
48 D Low asked why he picked Version 2.  
49 Mayor Simmons said that they came up with Version 2 after R Eck had already left.  
50 Vote: Yea: K Baker, D Low, T Rasmussen, and J Russell  
51 Nay: None.  
52 Abstained: None.  
53 Excused: R Liechty  
54 Kathy Baker asked Pam Johnson if the ordinance meant she needed to connect or not connect.

1 Pam Johnson said that it meant they would not have to connect.

2  
3 **NEW BUSINESS:**

4 Item No. 1. Resolution No. 08-010. The Providence City Council will consider for adoption a resolution  
5 establishing a fine schedule for animal control violations.

6 Craig Carlston said that this will come back as an ordinance because state law requires that this must be passed by  
7 ordinance.

8 S Bankhead said that the Staff requests this be taken off the agenda.

9 J Russell wanted to know where the numbers came from.

10 S Bankhead said that some were already in place and there were phone calls made to other local cities. She said  
11 they met with some of the police officers. The officers want to be able to talk to someone, but they wanted it to  
12 count on their record if they do choose to just talk to someone. They will keep incident reports so talking to  
13 someone will count.

14 J Russell asked if the animal control person is a City employee.

15 S Bankhead said it is the Cache County Sheriff's Department.

16 Mayor Simmons said it is much more effective now.

17 Motion to move the March 11<sup>th</sup> meeting to March 13th- T Rasmussen Second- K Baker

18 Vote: Yea: K Baker, D Low, T Rasmussen, and J Russell

19 Nay: None.

20 Abstained: None.

21 Excused: R Liechty

22  
23 **STAFF REPORTS:**

24 **Skarlet Bankhead:**

25 She said that in commercial developments some City Councils have really wanted the City to make sure  
26 developers had enough parking. She said that as new businesses come in or if the building changes use then there  
27 might not be enough parking. She said there is a warehouse that is being finished and will require more parking  
28 stalls than a warehouse.

29 T Rasmussen asked if we have any peak flexibility that we can take into account.

30 S Bankhead said that she wants the Council to think about it. They might issue a tenant finish without knowing  
31 what kind of business is coming there. She said we could be facing it in the relatively near future. She wants to  
32 know what the philosophy of this Council will be so the Staff can be directed to re-write the ordinance whichever  
33 way will be best.

34 K Baker said that Draper has a horrible situation, and we don't want to go there.

35 S Bankhead said right now coming off of HWY 165 there are some problems with access management. She said  
36 UDOT is being proactive on HWY 165, and they have an idea to deal with access management. She said there is a  
37 situation on 300 South where we may create a Maverick corner. She said right now they can have an access  
38 within 100 ft. of HWY 165. UDOT said 100 ft. as well. Staff does not feel that 100 ft. is enough.

39 K Baker said without the light it is going to be a mess.

40 J Russell said that even with the light it is going to be bad.

41 S Bankhead just wants the Council to start thinking about it. She doesn't want the Planning Commission and Staff  
42 to spend a lot of time going in the wrong direction.

43 D Low said that it is interesting to hear from some experts in the field.

44 Mayor Simmons said that he wants to recommend that the 2<sup>nd</sup> access be denied by the public health and welfare  
45 clause in the state code.

46 She said we haven't considered high volume access management yet. We have planned. We have just been east of  
47 it for a while.

48  
49 **COUNCIL REPORTS:**

50 Kathy Baker is going to walk the path of the walking trail and talk with the homeowners. She said she will go  
51 around next week.

52 Mayor Simmons said he talked about it in the March newsletter.

53 D Low is meeting with the library tomorrow. He asked if there is anything that needs to be brought up.

54 Mayor Simmons said that the way it is proposed there won't be very many cities that want it.

1 J Russell said a lot of people want the library, but they don't want to be subservient.  
2 T Rasmussen said that if it will be a valuable asset to Providence that we should get our own building and books.  
3 He said then we could be part of the county-wide library system.  
4 D Low asked T Rasmussen if he had figures from the last meeting.  
5 T Rasmussen said he will give it to them as soon as he can.  
6 D Low wanted to know if we waste time when we review the minutes.

7  
8 Mayor Simmons:  
9 HB 51, the water bill, the 6<sup>th</sup> version was agreed to yesterday afternoon. They are moving forward hopefully.  
10 He said there was a bill pushed by Anderson Development that would only allow cities to ask for so much water.  
11 Mayor Simmons said we need to make sure we realize they are sharks.

12 HB 177, establishes the rules about geological hazards and sensitive lands, she said it is more restrictive than our  
13 current standards. There is another bill saying that City's can build within 25 feet of a stream. He said there is a  
14 bill that has passed the House and will go to the Senate requiring cities smaller than 7500 to allow HOV's to drive  
15 on public streets. There is a bill that has a 50% chance of getting out saying that approved minutes must be out  
16 within 14 days of the meeting. Dave Church says that minutes don't need to be approved. The Mayor is proposing  
17 that the Council members change to have the minutes available and then Skarlet would be the person to sign them  
18 in as approved. Mayor Simmons also said that they will be bringing some new by-laws for the City Council soon.  
19 The Millville water company has a new president and will have a meeting in April. He said there was a 4<sup>th</sup> district  
20 law suit decided in Mapleton about a rezone. The City didn't put it on the ballot. The Court decided that it's not  
21 referable.

22 Mayor Simmons said that there is a real issue with how the Fire Department has billed us. They changed charging  
23 from \$35,000 to \$44,000. They said that also want to charge after the year for expenditures.

24 K Baker said that if they were to staff the new fire station then they could charge us a lot for that.

25 S Bankhead said that \$44,000 is pretty inexpensive for the service we get. We need to talk about some things, but  
26 the biggest problem is their procedure.

27 D Low said that he spoke with Chief Meaker and said that he will try to convince him that having a building is a  
28 great idea.

29 K Baker said that once there is a building she in concerned about the staffing that we might not be able to afford.

30 T Rasmussen said that the fire fighters in California were getting in excess of \$200,000 a year and the city is  
31 going bankrupt.

32 Mayor Simmons said that Logan City met with the Mayor and Staff about sewer. They have some issues and we  
33 will have a box on the plats for the Logan City sewer to sign off on. There shouldn't be an issue, but they need to  
34 solve some things or there will be problems within 5-10 years. He wants the signature block on the plat.

35  
36 Motion to adjourn- T Rasmussen Second- D Low  
37 Vote: Yea: K Baker, D Low, T Rasmussen, and J Russell  
38 Nay: None.  
39 Abstained: None.  
40 Excused: R Liechty

41  
42 Meeting adjourned at 9:18pm.  
43 Minutes taken and prepared by Katie McDermott.

44  
45  
46 \_\_\_\_\_  
47 Randy Simmons, Mayor Skarlet Bankhead, City Recorder