

1 **Providence City Council Meeting**

2 **Providence City Office Building**

3 **15 South Main, Providence UT**

4 **Tuesday, March 08, 2005 6:00 p.m.**

5 **Attendance:** Mayor: Alma H. Leonhardt

6 Council: Randy Eck, Deon Johnson, Stacie Gomm, Ron Liechty, (Vic
7 Saunders – excused)

8 City Manager: Vern Keeslar

9 City Recorder: Skarlet Bankhead

10 Public Works Director: Dee Barnes

11 **The Providence City Council will meet for a study session at 6:00 p.m. in the City Council**
12 **Chambers. This is a public meeting; however, no public comment will be heard and no**
13 **action will be taken on the agenda items.**

14 Update on Providence Highlands Subdivision

15 Mark Cohen and Jeremy Jensen represented the development.

- 16 • The Developers reported they have posted no trespassing signs. The fence will go up
17 tomorrow.
- 18 • The Developers would like to have a ceremonial dig the afternoon of the first Friday in
19 May (May 6th at 3:00 p.m.).
- 20 • The Developers reported they recorded the deeds today transferring the water rights to
21 Providence City. They presented the City with a copy. They reported the segregation
22 has taken place. V Keeslar reported the rights will be transferred to the four (4) wells. D
23 Barnes explained this clarifies the sites.
- 24 • M Cohen reported Craig Smith and staff will visit with the well known protestors and
25 explain the transfer in hopes there will not be a protest.
- 26 • The Developers reported the crusher is on site. There is an equipment road cut east of
27 1000 South to keep dust, noise, and heavy equipment traffic to a minimum on the current
28 City streets.

29 Future Agenda Item:

30 Mosquito Abatement District:

- 31 • Mayor Leonhardt reported the Board is asking \$1 per resident. He suggested \$0.50 per
32 resident. S Bankhead reported in a phone conversation with Bryan Cox, he suggested \$1
33 per household. This will come from existing funds in the General Fund and not billed to
34 the residents. V Keeslar felt it would be easier by population rather than by household.
35 This is a one-time expense.
- 36 • R Eck suggested going with the lower dollar amount and then give more if needed.
- 37 • The Council agreed to \$1 per household. V Keeslar felt it would be easier to calculate if
38 the amount was based on population.
- 39 • Mayor Leonhardt felt the household amount would be better. He explained each
40 individual city can set their rate.
- 41 • The Council suggested giving the District \$2,000 and basing it on household or
42 population.

43 City Councils' Report:

44 Mayor Leonhardt:

- 45 • Mayor Leonhardt explained tonight's vote regarding the conditional use is not whether to
46 allow the use, it is on the conditions.
- 47 • D Johnson explained he is not against putting conditions on the business license. He felt
48 the conditional use should be approved.

- 1 • V Keeslar explained the Development Review Committee (DRC) Staff Report lists
2 suggested conditions. V Keeslar explained the recent change to the City Code allows
3 colon hydrotherapy as a conditional use. Tonight’s vote is on the conditions.
- 4 • R Eck and R Liechty did not feel colon hydrotherapy should be allowed in a residential
5 area. They felt very strongly that colon hydrotherapy was something that should be in a
6 commercial zone.
- 7 • S Gomm asked what would happen at the Board of Adjustment and District Court levels.
8 V Keeslar explained they cannot put the conditions on the business. He explained they
9 can only look at the method the used to make the determination. If they feel the decision
10 was arbitrary and capricious, they can overturn the decision. V Keeslar explained just
11 because the Council changed the Code, does not mean they have to approve the
12 conditional use.
- 13 • R Eck and R Liechty felt the vote should come before a full council. S Gomm felt this
14 crosses a fine line. She felt there was power in the vote of the Council; and if the Council
15 voted to amend the Code, even though it was a 3 to 2 vote, the vote should be respected
16 and the conditional use should be voted on in tonight’s meeting.

17 Council Member R Eck:

18 Street lights in Brookside Village:

- 19 • R Eck reported he received a phone call from Rod Elwood who reported there are places
20 in Brookside Village Phase I that do not have street lights.

21 Traffic control signing:

- 22 • R Eck suggested the City consider a sign that states “All roads 25 mph, unless otherwise
23 posted.” He felt this type of sign would benefit law enforcement and serve as a reminder
24 to citizens. R Eck is not suggesting pulling any existing signs. These would be in
25 addition to the existing signs. R Eck explained it was not a licensed MUTD sign, but it
26 could still be used.

27 Council Member S Gomm:

- 28 • S Gomm reported she sent a memo to the Council regarding the General Plan.
- 29 • V Keeslar reported the General Plan open house will be Thursday night at Spring Creek
30 Middle School from 6:00 p.m. to 8:00 p.m.

31 Council Member D Johnson:

- 32 • D Johnson reported the Rural Water Conference was very interesting. He is very
33 impressed with the City’s water system. He felt with the EPA Rules, the Public Works
34 Director can spend 40 hours per week just meeting the rules.
- 35 • D Johnson stated he was impressed that the water transfer is moving forward.
- 36 • D Johnson suggested the Council consider a new sewer plant. V Keeslar reported he, D
37 Barnes, and D Johnson will be visiting Hyrum City’s plant.

38 Council Member R Liechty

39 Planning Commission Meeting:

- 40 • R Liechty reported two items discussed in Planning Commission are on tonight’s agenda;
41 the sign ordinance change and the colon hydrotherapy conditional use. He reported the
42 colon hydrotherapy discussion got a little out of hand. It was handled the best it could,
43 but got a little out of hand.

44 **Agenda Items:**

45 **Pledge:** BSA Troup 374

46 **Opening:** R Liechty

47 **Minutes:**

48 Motion to approve the minutes of February 8, 2005 – D Johnson, second – R Eck,

49 Corrections: None

50 Vote: Yea: R Eck, D Johnson, S Gomm, R Liechty

51 Nay: None

1 Abstained: None
2 Excused: V Saunders

3 **Item No. 1. Introduction. Lieutenant Chad Jensen, Cache County Sheriff’s Office.**

- 4 • C Jensen introduced himself.
- 5 • C Jensen explained there is a County ordinance that prohibits shooting within ½ mile of
6 the County/City limits. He reported they are having sign made up that will inform users
7 of the ordinances. They must also be 600 feet from a building.
- 8 • D Johnson felt it is becoming difficult to go shooting without having to pay at the
9 shooting range. C Jensen agreed.
- 10 • D Johnson suggested the City consider a shooting range. C Jensen felt the City could do
11 a range within its boundary, but could not build one in the County.
- 12 • S Gomm felt education was the first step.
- 13 • Blaine Sorensen suggested posting at other entrances, not just at the mouth of the
14 Canyon. S Gomm explained some of the property is state owned and would be under
15 different rules.
- 16 • C Jensen also discussed 4-wheeler complaints. He reported last year they sent unmarked
17 cars, marked cars, etc. but just didn’t issue that many tickets. C Jensen explained if an
18 officer does not see it happen, the caller must be willing to sign the complaint in order to
19 issue a citation. He explained callers are reluctant to sign the complaint.
- 20 • Mayor Leonhardt complimented Deputy Linda Stauffer
- 21 • R Eck also complimented Lieutenant C Jensen.

22 **Item No. 2. Public Hearing – Ordinance Modification 008-2005. The Providence City**
23 **Council will consider for adoption an ordinance amending Providence City Code 10-15,**
24 **Sign Regulations, to remove billboards and off-premise signs from the sign ordinance.**

25 Mayor Leonhardt declared the public hearing open.

- 26 • Mayor Leonhardt explained the City does have a few signs. This will prevent billboards
27 from coming in the future.
- 28 • Troy Sterr, 315 South 100 West, asked if the Mayor was referring to the billboard sign
29 near Discount Tire. Mayor Leonhardt said yes.
- 30 • R Liechty reported the Planning Commission recommended approval.
- 31 • S Gomm asked if existing billboards would be grandfathered. V Keeslar explained they
32 would become a non-conforming use. The current signs can remain.

33 Motion to adopt Ordinance Modification 008-2005 – S Gomm, second – R Eck,

34 Vote: Yea: R Eck, D Johnson, S Gomm, R Liechty

35 Nay: None

36 Abstained: None

37 Excused: V Saunders

38 **Item No. 4. Resolution 05-006. The Providence City Council will consider for adoption a**
39 **resolution granting a conditional use for a home business for colon hydrotherapy located**
40 **generally at 560 Edgewood Drive, requested by Colette Yates.**

- 41 • Mayor Leonhardt asked Collette Yates to make a brief presentation.
- 42 • C Yates reported she is trained to perform colon hydrotherapy. She is a Certified Nurses
43 Assistant. She uses a very safe instrument. She does not feel the business will have a
44 negative impact on the neighborhood. She respectfully requested the Council grant the
45 conditional use.
- 46 • D Johnson stated four weeks ago the Council amended the Code to allow colon
47 hydrotherapy as a conditional use. V Keeslar explained prior to the amendment colon
48 hydrotherapy was not allowed, now it is a conditional use in the SFT zone only. D
49 Johnson explained the third person that voted affirmative for the Code amendment was

- 1 not in attendance at tonight's meeting. D Johnson explained if a vote is taken tonight and
2 two members of the Council abstain, it would send the decision into the appeal process.
- 3 • Deon Van Dyke works at the LDS employment center she felt home businesses were
4 important.
 - 5 • Lan Turner, 385 North 300 East, did not have a problem with home businesses. He
6 reported he started his business in his home and now has 15 employees. However, he did
7 not feel colon hydrotherapy should be a home business.
 - 8 • Mayor Leonhardt explained the use is allowed by condition.
 - 9 • Mary Hubbard, 360 Edgewood Dr., did not have a problem with home business; but felt
10 this type of business should not be allowed in a residential area. She felt if medical
11 practices could be in neighborhoods, there was not point to zoning.
 - 12 • Liz Sampson, 320 Spring Creek Road, is very much in favor of home businesses. She
13 felt in the last meeting it was very clear this was not a medical business.
 - 14 • Heidi Elder strongly supports home businesses and felt C Yates should receive the
15 conditional use.
 - 16 • Michelle Clegg recently moved to Providence City. She supports C Yates. She has had
17 the procedure before and recommended it. She did not feel there would be a waste
18 problem. She felt it improved the quality of life. She felt this was a bonus to the
19 community.
 - 20 • Jeff Strong, 839 Grandview Drive, did not feel it important to determine if this was
21 medical or homeopathic, or whether the procedure was safe. He stated although rare,
22 there have been adverse affects. He felt colon hydrotherapy was an invasive procedure
23 and the line should be drawn. He also stated he did not want to live next to a tattoo
24 parlor. He is opposed to medical/homeopathic procedures in residential areas. He did
25 not feel the Council was to determine if the procedure was safe. He felt the Council
26 needed to apply a standard of what should be allowed in residential areas. He felt it was
27 basically safe, but did not feel it should be in a residential neighborhood. He felt it
28 should be in a business district.
 - 29 • Danalin Preece, 339 Homestead Court, supports homes businesses. She felt this is in the
30 privacy of the home. She was very supportive of the procedure.
 - 31 • Doug Kohler, 78 South 1220 East, Logan, works in banking. He reported the vast
32 majority of his clients started in a home and then expanded. He is very much in favor of
33 home businesses and this business in the home. He felt this was a great service. He stated
34 it does not detract from the neighborhood.
 - 35 • Del Raye Searle, 389 Edgewood Place, asked about foot zoning which is a preventative
36 homeopathic procedure. J Strong felt there was a difference between reflexology foot
37 zoning and an invasive procedure such as colon hydrotherapy. He felt allowing colon
38 hydrotherapy crossed the line.
 - 39 • S Gomm felt the line was crossed when tattooing in beauty salons was allowed. J Strong
40 felt tattooing was not a therapy designed to heal. Mike and Collette Yates explained this
41 is not designed to heal. Its purpose is to cleanse the system.
 - 42 • Denise Strong, 839 Grandview Drive, felt the decision should be postponed until the full
43 council was in attendance.
 - 44 • Blaine Sorensen, Planning Commission Chair, explained the two times this has been
45 discussed by the Planning commission the major hang up has been that some view this as
46 an invasive procedure and feel this would be more appropriate in a business district. He
47 explained the vote was always 3 to 2.
 - 48 • Jacquelynn Henney, 1065 Grandview Drive, felt the issue was this type of business
49 belongs in a business district. She was very strongly opposed to this in a residential area.
50 She felt this broke down the residential code.

- D Johnson stated he would not vote against the Planning Commission if it was a unanimous vote. However, on a split vote, he felt the issue needed study. He explained the City already allows chiropractors and it has been stated this should be in a chiropractic office which is allowed in residential zones. He felt keeping this home business would allow C Yates to keep the cost down. He also explained her neighbors were for it. He explained he based his decision on the fact that the majority of her neighbors felt the conditional use should be allowed.
- R Liechty clarified the Planning Commission vote was 3 to 2; no one was on the fence. R Liechty did not feel this should be allowed in a residential neighborhood.
- D Johnson felt if there were enough complaints the permit could be pulled. V Keeslar explained a revocation hearing can be held.
- R Liechty asked where does it stop. He was concerned this allowed businesses to come into residential areas that should be in commercial areas. D Johnson did not feel it needed to be stopped if it benefited the citizens.
- S Gomm asked why the Council was talking about changing the law when the law had already been changed. If the Council needs to go back and change the law that is a different discussion. She explained the use is allowed, it was decided last month. This discussion should be about the conditions. R Eck felt it was discussed because there are those on the Council that are not in agreement with the previous decision. S Gomm felt changing the law was not the proper discussion. She explained if the Council wants to change the law, then the ordinance discussion should be put on the agenda. She explained she would love to reconsider user fees but she believes in the power of the Council. The Council voted to amend the Code. The power of the Council should be respected; tonight's discussion should be about the conditions for the business.

Motion to table Resolution 05-006 until a full council is present – R Eck, second – R Liechty, Motion to amend the motion to include that the discussion be on the conditions for the business license, unless the code change is on the agenda – S Gomm, second – D Johnson,

Vote: yea: D Johnson, S Gomm, R Eck and R Liechty did not take any action.

R Eck withdrew his first motion and motioned to table Resolution 05-006 until there is a full council, second – R Liechty,

Vote: Yea: R Eck, D Johnson, S Gomm, R Liechty
Nay: None
Abstained: None
Excused: V Saunders

Motion that when this is again heard that the business permit be discussed and not the ordinance, unless the ordinance is on the agenda – S Gomm, second – D Johnson

Vote: Yea: D Johnson, S Gomm
Nay: None
Abstained: R Eck, R Liechty
Excused: V Saunders

Item No. 5. Resolution 05-007. The Providence City Council will consider for adoption a resolution amending the Providence City Personnel Policy by trading Veteran's Day for the day after Thanksgiving.

- V Keeslar explained the City wants to honor the veterans with a ceremony. This requires some employees to work on the holiday. Unless there is an emergency, all of the full-time employees can take Columbus Day as a holiday. By taking the holiday on Columbus Day and working on Veteran's Day, the day after Thanksgiving can still be taken as a holiday.
- R Eck explained when he first heard of the change, he felt Veteran's Day should be taken to honor those who have served the Country. However, he understands that if the staff is

1 working on Veteran’s Day to put on the ceremony, taking the Columbus Day holiday
2 gives everyone the holiday. He just doesn’t want to offend anyone in the service.

- 3 • V Keeslar felt by working on Veteran’s Day and holding the ceremony, the City was
4 better honoring the veterans.
- 5 • S Gomm suggested letting the employees vote every year.

6 Motion to approve Resolution 05-007 with the following changes: deleting “or the next working
7 day after Christmas”, adding “Veterans Day will be traded with a yearly poll of the employees to
8 decide the day they are trading for – R Liechty, second – R Eck,

9 Vote: Yea: R Eck, D Johnson, S Gomm, R Liechty

10 Nay: None

11 Abstained: None

12 Excused: V Saunders

13 **Item No. 6. Resolution 05-008. The Providence City Council will consider for adoption a**
14 **resolution appointing Nick Bouwes to fill the remainder of the Planning Commission term**
15 **vacated by Kristina Lamborn.**

- 16 • Mayor Leonhardt explained N Bouwes is currently an alternate member of the Planning
17 Commission.

18 Motion to approve Resolution 05-008 – D Johnson, second – R Eck,

19 Vote: Yea: R Eck, D Johnson, S Gomm, R Liechty

20 Nay: None

21 Abstained: None

22 Excused: V Saunders

23 **At any time during the meeting, the City Council may vote to go into an executive session**
24 **pursuant to Utah Code 52-4-5.**

25 Motion to enter into an executive session – R Liechty, second – D Johnson

26 Vote: Yea: R Eck, D Johnson, S Gomm, R Liechty

27 Nay: None

28 Abstained: None

29 Excused: V Saunders

- 30 • The Council entered into an executive session at approximately 8:30 p.m.

31 Motion to close the executive session – R Liechty, second – S Gomm,

32 Vote: Yea: R Eck, D Johnson, S Gomm, R Liechty

33 Nay: None

34 Abstained: None

35 Excused: V Saunders

- 36 • The Council returned to open meeting at approximately 10:00 p.m.

37 Motion to adjourn – R Eck, second – S Gomm,

38 Vote: Yea: R Eck, D Johnson, S Gomm, R Liechty

39 Nay: None

40 Abstained: None

41 Excused: V Saunders

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43 Minutes taken and prepared by S Bankhead.

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Alma H. Leonhardt, Mayor

Skarlet Bankhead, City Recorder