

1 **PROVIDENCE CITY COUNCIL MEETING MINUTES**

2 **March 25, 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:

K Baker, R Liechty, D Low, T Rasmussen, J Russell

9 Excused:

None.

10 Pledge of Allegiance:

D Low

11
12 **APPROVAL OF THE MINUTES FOR MARCH 13, 2008 CITY COUNCIL MEETING:**

13 Motion to approve- R Liechty Second- D Low

14 Webelo is misspelled.

15 Vote: Yea: K Baker, R Liechty, D Low, T Rasmussen, J Russell

16 Nay: None.

17 Abstained: None.

18 Excused: None.

19
20 **PUBLIC COMMENTS:**

21 Sharell Eames wanted to compliment Rob and Danny, two of the Providence Public Works employees.
22 She said that they checked the fire hydrant near her home and didn't let the water run onto her yard. She
23 quoted from the City Council By-laws 2.3 about Robert's Rules of Order. She read from Robert's Rules
24 of Order about reconsidering items. She was very upset about the Council bringing back Item No. 2. She
25 said the vote was not hasty or erroneous. She said she has spent years of her life trying to see that there
26 is some reasonable growth in Providence. She said someone in heaven guides her direction and that
27 person is Clint Thompson.

28 Brian Nummer lives in Eagle View Phase 1. He said he very much appreciates Providence. He said that
29 he has lived in construction debris the entire time he has lived in Providence. He said rock, mud, and
30 debris are still there even though he has asked for them to move it. He said there is re-bar in the middle
31 of the street and huge boulders. He wanted them to put it on the agenda.

32 Mayor Simmons said that he drove up there. He spoke with Randy Eck, Public Works Director. Mr. Eck
33 said that he would help with enforcement.

34 Elinor Hanson said on 400 East she wants to know if they are planning ahead about what will happen as
35 far as speed on the road. She wanted to know if anyone has looked into traffic calmers that are not speed
36 bumps. She said they have taken some sorts of control in Georgia. She wanted to know if they would
37 consider speed tables.

38 Ramona Rukvina said she was in Colorado and saw a subdivision that didn't have sidewalks or lights.
39 She said their speed limits are very low and everyone abides by the speed limits. She isn't sure that we
40 need sidewalks for safety. There are all sorts of methods that can be used. She thinks we need to keep
41 perspective on what safety really is.

42
43 **TRAINING:** The Providence City Council will continue training on the open and public meetings act.

44 The Council started 32 minutes into the training DVD of David Church. They listened for approximately 10
45 minutes. They left off at 39 minutes into the meeting.

46
47 **CONTINUED BUSINESS:**

48 Item No. 1. . Resolution 08-006. The Providence City Council will consider for adoption a resolution establishing
49 right-of-way guidelines for Canyon Road and 400 East between Canyon Road and the City's south boundary line.

50 Motion to approve this very incomplete resolution- K Baker Second- T Rasmussen

51 Skarlet Bankhead said all the road cross sections have the same sidewalk, park strip, and curb and gutter. The
52 difference is in the asphalt.

1 Mayor Simmons asked what kind of guidance the Council would like to give the Staff.
2 T Rasmussen said he did some research on saferuralroads.com and some other websites and could not find
3 anything about wider roads causing faster traffic. He said a lot of what discourages speed is the elements that help
4 control speed. He thinks sidewalks would greatly help the area. He found a case study in Massachusetts where the
5 neighbors did not want to see trees taken down so they met with the City and came up with some really great
6 ideas to compromise. He said green space between lanes help promote safety.
7 Mayor Simmons asked how much asphalt is in the 56 ft. cross section.
8 S Bankhead said it is 29 ft.
9 K Baker said that she thinks you have to build the road wider where it is possible and needed. She doesn't know
10 what the best thing to do is.
11 Mayor Simmons preference is to not widen the asphalt at all. He said Nibley did a study and added a center
12 median, and it has lowered speed significantly. He doesn't think we should mess with the powerlines and trees if
13 we don't have to.
14 S Bankhead said that 56 foot roads have 29 feet of asphalt. 66 foot roads have 39 feet of asphalt.
15 R Liechty asked what ADA standards are.
16 Mayor Simmons said that ADA requires 53 feet. He said there is currently no place to park on the street on 400
17 East. He doesn't know if the Council cares. The current specs are designed for future streets. This is an existing
18 street.
19 T Rasmussen said he feels in some cases there will have to be an exception made on the west side of the road
20 because of topography.
21 K Baker does not think that there should be a sidewalk on the west side of the road.
22 S Bankhead said in today's world you could put sidewalks on the west side and make them safe. She said a lot of
23 it is about retrofitting the existing property. She said putting houses there will change the landscape, but putting
24 sidewalks will change it from hills to a flatter area because of the infill needed to create safe sidewalks.
25 Mayor Simmons asked if anyone wants sidewalks on the west side of the road.
26 D Low asked if one sidewalk makes the road reasonably as safe as having 2 sidewalks.
27 K Baker said sidewalks are useful but not everyone will use them.
28 T Rasmussen would recommend sidewalk only on the east side of 400 East.
29 D Low asked what the purpose of a park strip is besides aesthetic.
30 K Baker said you have to have somewhere to put the snow.
31 J Russell said that they aren't looking at options for overall layout of streets, sidewalks, etc.
32 D Low said he spoke with a police officer about rumble strips. He said they never want that on roads because of
33 the danger.
34 S Bankhead spoke about bike lanes as well. She gave the two different view points of bikers. Some want a striped
35 land and some heavily oppose them.
36 Mayor Simmons said they could direct the Staff that they don't want sidewalk on the west side and then think
37 about the other things.
38 D Low said he would like a workshop with some training about that.
39 R Liechty said his view is that the roads shouldn't be widened. He thinks on 400 East they should look at
40 sidewalks on the east side only. He said on Canyon Road the north side only should have sidewalk. He thinks it
41 will be a major task for anyone who would have to build up the west side of 400 East, and he doesn't think it is
42 necessary.
43 Ramona Rukvina asked what the road width would be if there was sidewalk on the east side of 400 East.
44 S Bankhead said it could be 11 feet or 13 ½ feet. She said the 13 ½ would be if they have curb and gutter.
45 D Low wanted to know if it is short-sighted to just think about putting the curb and gutter right now. He thinks we
46 should think about the long term.
47 S Bankhead said that 300 East and 500 East are master planned roads. She said if you put those roads as 56' or
48 66' roads then 400 East probably wouldn't be too beat up in the future.
49 Elinor Hanson asked if it is safe to have the sidewalk in pieces and then have to go back on the road for some
50 sections while walking along that street.
51 K Baker wanted to clarify that this is for down the road. This is for new subdivisions not for existing homes.
52 Elinor Hanson wanted to know if they could speak about traffic calming at their workshop.
53 R Liechty would like to see this continued until after the workshop.
54 J Russell said that councils have made decisions in a pretty quick manner or not made decisions at all. He thinks it

1 would be in everyone's best interest to wait until the 8th. He would much rather hear from professionals and be
2 able to make a better decision.

3 Motion to continue- J Russell Second- R Liechty

4 K Baker agreed to the substitute motion.

6 Vote: Yea: K Baker, R Liechty, D Low, T Rasmussen, J Russell

7 Nay: None.

8 Abstained: None.

9 Excused: None.

11 Item No. 2. Discussion. The Providence City Council will discuss park and trail improvements in
12 proposed Sagecrest Subdivision.

13 Mayor Simmons said there are 18 acres that would become City property. The issue is whether the developer
14 should continue to plan that way knowing that City funds will be spent for the trails and parks.

15 K Baker asked what the alternative is.

16 Mayor Simmons said that they could tell them they don't want it.

17 S Bankhead said there will be a development agreement that the Council will see in a few months. They will have
18 to agree to that agreement.

19 Mayor Simmons said they would like to continue with the concept.

20 J Russell asked if the Planning Commission can recommend that they don't go forward with the idea. He said
21 they are putting themselves in a position where they are completely responsible. He wanted to know why the
22 developers aren't taking over some of the responsibility.

23 Mayor Simmons said that when the subdivision is finished it will be the City's.

24 D McFarlene said the ordinance says that developers should provide at least 10% of open space. He said 13 acres
25 would be 10%.

26 S Eames said she wishes someone from the Planning Commission was here. She said the booklet they have been
27 advertising is not what this development will look like. She said there were some real reservations. She said the
28 Planning Commission was going to ask for leveling and some parking.

29 D McFarlene said that the trail will be put in by the developer. The park land will be dedicated.

30 Mayor Simmons said the Staff will start working on the development agreement.

32 **NEW BUSINESS:**

33 Item No. 1. Resolution 08-012. The Providence City Council will consider for adoption a resolution amending the
34 Providence City Council Bylaws.

35 Motion to approve Resolution 08-012- T Rasmussen Second- D Low

36 Mayor Simmons said the by-laws were outdated. He changed two substantive things as well. He changed the part
37 about conflicts of interest to match State Code.

38 C Carlston said that State Code will rule if there is any conflict with the by-laws.

39 Mayor Simmons said that if a Council Member feels they should not vote then they need to leave the room.

40 Mayor Simmons said the other thing was that someone can ask the Council for the reasons for their vote. He said
41 at the last meeting they were asked for the reasons for a vote. He said that State law says they must state their
42 reasons for an administrative decision. State Code says that they don't have to on a legislative decision. The
43 Bylaws as written say the Council will explain their reasons for both administrative and legislative decisions.

44 R Liechty wanted to know why they want to give their reasons on both.

45 Mayor Simmons said he felt it was good to explain things, but the Council could change that if they choose to
46 meet the State Code requirement only.

47 R Liechty asked about 2.2. He was concerned about the wording.

48 S Bankhead said that it is from the State Code.

49 2.2 should say City Manager, not City Administrator.

50 Mayor Simmons explained that if one Council member abstained then the Mayor doesn't break a tie.

51 S Eames wanted to know if it was 7.2 in findings that the Mayor was speaking about.

52 7.2 should say Governing Body, not Commission.

53 J Russell doesn't want to vote on it until it is the way it should be.

54 Mayor Simmons said that he thought he made a change that is not there, but they don't have to put that change

1 there.

2 Vote: Yea: K Baker, R Liechty, D Low, T Rasmussen, J Russell

3 Nay: None.

4 Abstained: None.

5 Excused:

6
7 Item No. 2. Ordinance No. 002-2008. Council Member John Russell, who voted on the prevailing side on the
8 3/13/2008 vote of Ordinance No. 002-2008, has requested the Providence City Council reconsider for adoption an
9 ordinance changing the zone of approximately 44 acres of property, Parcel ID #s 02-114-005, 02-114-0030, and
10 02-114-0037, located generally north and east of 755 Canyon Road (a.k.a. Redstone Development LLC), from
11 Agricultural (AGR) to Single Family Large (SFL)

12 Motion to reconsider for adoption changing approximately 44 acres of property- J Russell Second- T Rasmussen

13 Vote: Yea: J Russell, D Low, T Rasmussen

14 Nay: K Baker, R Liechty

15 Abstained: None.

16 Excused:

17 J Russell said there were a lot of discussions and he received clarity on some things after the vote. He wanted to
18 clarify this. He looked at the property again looking at the concerns. He said the road and the safety of that road is
19 still a concern. The slope and the water are still concerns as well. He said there is sufficient space for the road. He
20 is concerned about the slope of the road as well as the slope of the property.

21 S Bankhead asked if the proposed legislation passed about slope.

22 Mayor Simmons said he thinks it passed.

23 J Russell said that for water he was confused about the annexation agreement. He said since the annexation
24 agreement is an ordinance it is tied to whomever develops the property. He said the question now becomes
25 whether or not they have met their requirements. He said we are a County, State, and City of laws. He said they
26 have done everything that we have asked them to do.

27 Motion to rezone to SFL- J Russell Second- D Low

28 Vote: Yea: J Russell, D Low, T Rasmussen

29 Nay: K Baker, R Liechty

30 Abstained: None.

31 Excused:

32
33 Item No. 3. Resolution 08-011. The Providence City Council will consider for adoption a resolution to schedule
34 for public hearing an ordinance vacating a portion of right-of-way (approximately ninety-nine feet [99'] in length
35 and approximately forty feet [40'] in width) located generally at 220 South 300 East

36 Motion to approve- T Rasmussen Second- K Baker

37 S Bankhead in 1997 the Staff started talking about some of the right-of-ways. She said some of the right-of-ways
38 had buildings on them. She said this area has a home built on the right-of-way. She said they want to clear it up
39 for the structure and the road. She said they are going to vacate the right-of-way down to 63 feet.

40 Mayor Simmons said this resolution is only to hold a public hearing.

41 Vote: Yea: K Baker, R Liechty, D Low, T Rasmussen, J Russell

42 Nay: None.

43 Abstained: None.

44 Excused:

45
46 **STAFF REPORTS:**

47 **Skarlet Bankhead:** S Bankhead said there are some omissions in the minutes. She wanted to know if they would
48 consider it. She said on the last page there are some things that are not there.

49
50 Motion to amend the minutes from March 13th- J Russell Second- K Baker

51 S Bankhead said that the open part of the meeting after the closed session was not there. Also, it didn't state the
52 reasons for the executive sessions.

53 Vote: Yea: K Baker, R Liechty, D Low, T Rasmussen, J Russell

54 Nay: None.

1 Abstained: None.

2 Excused:

3
4 S Bankhead said they went to a mini water conference today. She said water is a political issue. It is very
5 important to pay attention to what is happening at the state legislature. She said most areas are right at average for
6 snow pack. She said the ground water saturation needs to recover a little more. She said if they do a workshop
7 they could have some of the local people come speak and the Council could ask questions. She said they would
8 like to get hard copies of some of the power point presentations. She said they also spoke about the phosphorous
9 levels in Cutler Reservoir. They would like to form a coalition of municipalities, water companies, the County
10 Council, and some legal representation as well as the Bear River users.

11 Mayor Simmons said they want to create it to treat the whole valley as an entity to help create some answers. The
12 EPA has allowed some things like that and they have been very successful.

13 S Bankhead said that K McDermott will be leaving when her husband goes to law school. They have been
14 interviewing and have extended an offer. She said they are finishing up with baseball and softball signups. She
15 said it will be an interesting season. They are working with the north end of the valley to make a somewhat
16 competitive recreation league. Those leagues range from ages 5 to 14. They are not letting anyone younger than 5
17 play. They are also holding very firm about age limits and not making it an accelerated program. She said they are
18 interviewing for a Snack Stand Manager. They interviewed someone they are very interested in. They aren't sure
19 if she has formally accepted.

20 D Low asked how young they can hire for the snack stand.

21 S Bankhead said they can hire kids as young as 14 years old, but they try to have at least 16 year olds.

22 D Low said younger kids might be more interested. He said 14-15 year olds may love it.

23 D Low asked what they can pay.

24 S Bankhead said they can pay \$6.00.

25 S Bankhead said they would like to incorporate sauerkraut back into the snack stand.

26 S Bankhead said they are looking for Fun in the Sun volunteers which will start in April. They will also be hiring
27 temporary property maintenance workers for the summer and a temporary water technician.

28
29 **COUNCIL REPORTS:**

30 Mayor Simmons said Randy Eck is still not back yet. He spoke with him today. His report is that the green waste
31 bins will be at the City sheds and 400 S. Main. He said in April they will start chipping. They will probably start
32 before the 25th. He said that Randy Eck did have heart surgery last week.

33 D Low thought it would be helpful to think about the library. He said he's not emotionally attached to any of the
34 options. He went to the County meeting. If they are interested in talking about it, they can see him.

35 Ramona Rukvina has puddles in her driveway from the City driving on her driveway when they were doing the
36 sewer line last year. She asked if it could be taken care of.

37 Mayor Simmons said any questions they would like Meg Ryan, ULCT Planner, to answer on the 2nd they need to
38 send them to the Mayor. He said the Blacksmith Fork Company Providence side met with the Millville side. They
39 will now use the same Water Master. He said it was the most optimistic meeting they have had for a while.

40
41 C Carlston wanted to clarify from the last meeting that rezones are legislative decisions when it comes to being
42 reasonably debatable. It is an administrative decision when it comes to referendum.

43
44 Motion to go into executive session to discuss a City employee- J Russell Second- R liechty

45 Vote: Yea: K Baker, R Liechty, D Low, T Rasmussen, J Russell

46 Nay: None.

47 Abstained: None.

48 Excused:

49
50 Motion to adjourn- J Russell Second- K Baker

51 Vote: Yea: K Baker, R Liechty, D Low, T Rasmussen, J Russell

52 Nay: None.

53 Abstained: None.

54 Excused:

1
2 Meeting adjourned at 8:02pm.
3 Minutes taken and prepared by Katie McDermott.

4
5

6 _____
7 Randy Simmons, Mayor

_____ Skarlet Bankhead, City Recorder