

1 **PROVIDENCE CITY COUNCIL MEETING**

2 **Tuesday, March 28, 2006, 6:00 p.m.**

3 **Providence City Office Building**

4 **15 South Main, Providence UT**

5 **The Providence City Council will begin discussing the following agenda items at 6:00 p.m.**

6 **Anyone interested is invited to attend.**

7 **Call to Order:** Mayor Simmons

8 **Roll Call of City Council Members:** Mayor Simmons

9 Attendance: Mayor: Randy Simmons

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

12 City Administrator/Recorder: Skarlet Bankhead

13 Public Works Director: Randy Eck

14 **Pledge of Allegiance:** Kathy Baker

15 **Opening:** Ron Liechty

16 **Presentations and Proclamations:**

17 **Item No. 1. Proclamation. Child Abuse Prevention Month, sponsored by the Child and**
18 **Family Support Center.**

- 19 • Mayor Simmons read the proclamation.
20 • The Council unanimously supported the proclamation.
21 • Lacy Empey, Child and Family Support Center, gave the audience ribbons in support of
22 Child Abuse Prevention Month and explained during April the CFSC promotes their services.
23 She explained this organization is separate from CAPSA who deal with those being abused;
24 CFSC is for prevention. They provide a crisis call center, shelter care for children waiting for
25 foster homes, therapy for primary and secondary victims of abuse, Good Touch Bad Touch –
26 an elementary school presentation, and other related services.
27 • Joann Autry, 247 West 200 North, explained prevention strengthens the entire family.
28 Prevention is cost effective; it is much better to spend a little on prevention in comparison to
29 spending a great deal on abusers and their victims.

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

34 **Item No. 1. Approval of the minutes for the March 14, 2006 City Council Meeting.**

35 **Motion to approve the minutes of March 14, 2006 – S Gomm, second – D Johnson**

- 36 • No corrections.

37 **Vote: Yea: Kathy Baker, Stacie Gomm, Deon Johnson, Ron Liechty, Trent Rasmussen**

38 **Nay: None**

39 **Abstained: None**

40 **Excused: None**

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

- 1 • Linda Goetze, 157 South 100 East, read a statement regarding citizen input. She felt there
2 had been personal attacks on some residents who had chosen to speak. She reported that
3 during a break in a recent City Council meeting Mayor Simmons stated Linda is evil.
- 4 • L Goetze read a memo from Mayor Simmons discussing her driving actions – signed by
5 Randy Simmons, Head of the Department of Political Science. She also read another memo
6 from Mayor Simmons regarding a racial comment made by Ralph Call during a recent
7 council meeting. L Goetze felt these were personal attacks by Mayor Simmons intended to
8 intimidate those who don't agree with his viewpoint.
- 9 • L Goetze felt the Mayor had reduced the amount of citizen comment during council meetings
10 and substituted his own pro-development ideas. She felt the Mayor had lobbied other council
11 members to vote for development.
- 12 • L Goetze expressed concern that the Council was revisiting issues. She felt wasting time on
13 reconsideration caused other important items to be delayed, such as rewriting the ordinances
14 – including the inner block development ordinances.

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

- 16 • No public hearings held

17 **Unfinished Business:**

18 **Item No. 1. Discussion. The Providence City Council will discuss forming committees**
19 **comprised of citizens, city staff, and council members to assist the Council in meeting the goals**
20 **in the Strategic Plan.**

- 21 • Mayor requested this discussion be heard at a later time in the meeting. The Council agreed.

22 **New Business:**

23 **Item No. 1. Discussion. County Council Member, Craig Petersen, will discuss changes to an**
24 **interlocal agreement to create a Countywide Planning and Development Office and a proposed**
25 **resolution to create a Cache Valley Regional Council.**

- 26 • Herm Olsen and Wendell Morse represented Cache Vision 2020. Craig Petersen did not
27 attend the meeting.
- 28 • H. Olsen explained when there are issues of concern, there needs to be a mechanism for
29 dealing with those issues. He explained years ago much of the mountain range was privately
30 owned; the grazing of animals was destroying the range areas. Citizen groups encouraged the
31 federal government to help with the problem. As a result, during President Theodore
32 Roosevelt's administration the Cache National Forest was created.
- 33 • H. Olsen explained Cache Vision 2020 looks beyond state lines to bring groups, including the
34 Franklyn County area, to work toward valley wide concerns such as air quality.
- 35 • H. Olsen reported the communities in both Cache and Franklyn counties that have heard the
36 presentation have been very receptive.
- 37 • W Morse provided the Council members with an overview of Cache Vision 2020. The first
38 purpose is to bring people together to discuss valley wide issues. The second purpose is to
39 create a regional council; he invited those in attendance to serve on volunteer committees
40 such as economic development, physical environment, people, and government.
- 41 • W Morse explained they propose to discontinue the Countywide Planning Board and replace
42 it with the Cache Valley Regional Council. This will be a recommending body; they will not
43 have the power to implement or take action.
- 44 • W Morse invited the Council members to consider serving on one of the committees. He also
45 requested the Council approve the proposed resolution. He reviewed the portion of the

1 agreement regarding the members that will comprise the Regional Council.

- 2 • R Liechty asked about the term “limited obligations”. W Morse felt is was representing that
3 the committee members would be volunteer positions; they would not receive compensation.
- 4 • W Morse stated some of the meetings will be held in Franklyn County and some of the
5 meetings will be held in Cache County.
- 6 • W Morse explained information discussed in the committee meetings will be distributed to
7 the mayors throughout the Valley. It would be up to the individual mayors to pass it along.
- 8 • S Gomm reported she discussed the proposal earlier in the day with Craig Petersen. She was
9 very impressed with the objectives and felt this was a great step. She reported 70% of the
10 non-agricultural workers living in Franklyn County work in Cache County.
- 11 • D Johnson also felt it was important to look at the valley as a whole. He felt by pulling
12 together many problems could be resolved.

13 Motion to adopt the changes to the interlocal agreement and accept the resolution – S Gomm, second
14 – T Rasmussen

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

16 Nay: None

17 Abstained: None

18 Excused: None

- 19 • W Morse reported they are currently working with Utah Local Government Trust to provide
20 the Citizen Planner Training. His office is working toward offering more training
21 opportunities. They are also considering a new County position; a circuit-rider planner that
22 would be available for communities. They are also considering a GIS Department – they will
23 be visiting the cities to assess the need. They also want to work with cities on access
24 management and traffic patterns.
- 25 • H Olsen reported Craig Call will be offering a free land use seminar on April 19 at USU.
26 This is open to the public.

27 **Item No. 1. Discussion. The Providence City Council will discuss forming committees**
28 **comprised of citizens, city staff, and council members to assist the Council in meeting the goals**
29 **in the Strategic Plan.**

- 30 • Mayor Simmons suggested the council consider a committee to evaluate the current water
31 and sewer rates. He suggested residents Jay Hicken and Dale Astle, both former council
32 members. He suggested Tara Bankhead as the staff support.
- 33 • Mayor Simmons suggested the council consider a committee to evaluate the implementation
34 of a secondary water system.
- 35 • Mayor Simmons suggested the council consider a city-events committee – to look as things
36 such as the Miss Providence pageant, county fair booth, a float, city party, etc. Mayor
37 Simmons reported Carl Seethaler has suggested a program honoring the late Ken Brewer. D
38 Johnson reported he has had many residents ask him about sauerkraut. Mayor Simmons
39 recommended T Rasmussen chair this committee.
- 40 • Mayor Simmons suggested the council consider a committee to discuss the “downtown look”.
41 Is there a concern about preserving that look, should there be some sort of design review for
42 homes in this part of town? He also felt the committee could look at right-of-way cross-
43 sections for the downtown area.
- 44 • Mayor Simmons suggested a water needs/availability committee. He reported Roland
45 Jeppson has volunteered to serve on this type of a committee.

- 1 • Mayor Simmons explained the Planning Commission is the planning committee.
- 2 • Mayor Simmons suggested a recreation programs or perhaps a youth program committee.
- 3 • S Gomm suggested an emergency plan committee. She also felt there may be a need for a
- 4 communication committee.
- 5 • Mayor Simmons suggested 4 or 5 member committees that would seek additional outside
- 6 input. He explained these committees are item specific. They are for the purpose of fact-
- 7 finding and making recommendations; they do not have the authority to implement policies
- 8 without Council approval.
- 9 • T Rasmussen will chair the events committee, and serve on the “Providence Look”
- 10 committee.
- 11 • D Johnson will chair the water and sewer rates committee and serve on the events committee.
- 12 • K Baker will chair the “Providence Look” committee and serve on the water and sewer rates
- 13 committee.
- 14 • R Liechty will chair the secondary water system committee and serve on the water
- 15 availability and needs committee and the communication committee.
- 16 • It was agreed by the Council that Mayor Simmons would chair the water availability and
- 17 needs committee.
- 18 • S Gomm will chair the communication committee and serve on the emergency needs and
- 19 secondary water system committees.
- 20 • The City staff will continue to act as the recreation committee for the time being. S Gomm
- 21 offered to work with the staff as council input.
- 22 • R Liechty suggested a request in the next newsletter for citizens to volunteer for the
- 23 committees.
- 24 • Mayor Simmons explained Council members will report committee action during the Council
- 25 Report section of the agenda.

26 **Item No. 2. Resolution 06-020. The Providence City Council will reconsider council action**
27 **taken on February 27, 2006 denying a resolution accepting “for further consideration” a**
28 **petition for annexation filed by Redstone Development, LLC in behalf of Checketts Farm,**
29 **LLC for a 42.90 acre (+/-) property consisting of Parcel No. 02-114-0005 and Parcel No. 02-114-**
30 **0030. The property is generally located northeast of 755 Canyon Road.**

- 31 • Mayor Simmons reported he had a request from a council member voting on the prevailing
- 32 side to reconsider this resolution.

33 Motion to reconsider Resolution 06-020 – D Johnson, second – S Gomm,

- 34 • Jamie Gull, Redstone Development, explained they were a little surprised by the first denial
- 35 because this property is in the Annexation Policy Plan and the Master Plan. He felt the
- 36 location of the property made it a strong candidate for annexation. He explained current
- 37 owners have stated this property is not good farmland.
- 38 • R Liechty wanted to clarify the position of obtaining water prior to development. He
- 39 explained he did not want to annex the property if the owner’s intent was to pay a fee-in-lieu
- 40 for water. He explained this step does not guarantee annexation; however, upon further
- 41 consideration an annexing ordinance will be developed requiring useable water and access
- 42 among other items. J Gull explained he has been informed of the requirements and will work
- 43 towards that end with the State Water Engineer.
- 44 • R Liechty requested a firm annexing ordinance. Mayor Simmons suggested the Council pick
- 45 the attorney to draft the ordinance; if there are questions on the draft – it shouldn’t be

1 approved until the questions have been resolved with the attorney. R Liechty requested the
2 attorney be present during the meeting to consider the annexing ordinance. J Gull felt fair
3 parties would come to a well written agreement. J Gull stated they have identified sources for
4 water.

- 5 • R Liechty was adamant that the water must come before any development will be allowed. J
6 Gull stated they will obtain water, convey it to the City, and work with the State Engineer to
7 have the rights transferred to a usable point in the City.
- 8 • T Rasmussen asked about the process for annexation. Mayor Simmons and S Gomm
9 explained the process outlined in the Utah Code will be followed.
- 10 • D Johnson reported he discussed this item during a class at Rural Water. He was told
11 annexing property shown in the master plan as an agricultural zone is in order. By annexing
12 the City will have control of what happens to the property. If annexed, the City can prevent
13 undesirable uses. D Johnson explained annexation does not vest the development with the
14 right to build.
- 15 • K Baker asked how the developer would feel if not zoned for many years. J Gull stated he
16 hoped it would not take that long before a zone change.
- 17 • Sherrill Eames, 98 East 400 South, expressed concern about the reconsideration. She felt this
18 action was getting the head in the door. She felt she spoke for many people in the audience.
19 She did not want to get the cart before the horse; the water should come first. R Liechty
20 explained it did not matter where the developer purchased his water, development would not
21 take place until the City had usable water – not just a paper transfer.

22 Vote: Yea: Stacie Gomm, Deon Johnson, Ron Liechty, Trent Rasmussen

23 Nay: Kathy Baker

24 Abstained: None

25 Excused: None

26 **Item No. 3. Discussion. The Providence City Council will discuss Utah Code Title 10, Chapter**
27 **9a Municipal Land Use, Development, and Management.**

- 28 • Mayor Simmons presented information from the Utah League of Cities & Towns explaining
29 the 2005 Senate Bill 60, commonly referred to as LUDMA (Land Use Development and
30 Management Act).
- 31 • Rand Hendersen, 616 Circle Place, informed the Council that he was an attorney. He felt this
32 presentation was a summary of the State Code, not the actual code. He disagreed with
33 several of the slides that were included in the presentation. He also disclosed that he
34 represents clients that are interested in seeing that the public process is preformed properly.
35 He adamantly opposed any discussion of how to implement Utah Code Title 10; he felt
36 discussion should only be on the actual content. Mr. Hendersen threatened legal action if the
37 Council chose to discuss ideas for implementing the requirements of SB60.
- 38 • S Gomm asked if the Council could discuss what they would like to see. Mayor Simmons
39 explained by law the proposals must come from the Planning Commission. He felt the best
40 thing may be to put this on the Planning Commission agenda for a public hearing.
- 41 • K Baker suggested hiring a consultant to write a general plan draft. Mayor Simmons reported
42 several agencies have contacted him to do just that. S Eames felt this discussion was not
43 appropriate as listed on the agenda. R Hendersen agreed with S Eames and again threatened
44 legal action for what he thought to be a violation of the Open Meetings Act.

45 **Staff Reports: Items presented by Providence City Staff will be presented as informational**

1 only.

- 2 • S Bankhead reported the City is hiring an office specialist.
- 3 • S Bankhead reported the Board of Adjustment met on Thursday; one item was tabled, the
- 4 variance was granted on the other item.
- 5 • R Eck reported the north lift station pump failed; it is currently running on a reserve pump.
- 6 He is looking for a new pump.
- 7 • R Eck reported the water quality report has been mailed. The City had a clean slate.

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

12 Council Member Ron Liechty:

- 13 • R Liechty suggested the council consider returning to the practice of having a study session
- 14 prior to the agenda items.
- 15 • R Hendersen objected to the Council discussing this item.

16 Mayor Simmons:

- 17 • Mayor Simmons reported the Planning Commission members cannot meet on April 7 & 8
- 18 for a joint workshop with the Council. The Planning Commission requested alternative
- 19 dates.
- 20 • R Hendersen objected to this discussion, stating it was not on the agenda.
- 21 • Mayor Simmons will establish a time, establish an agenda, and give proper notice for a
- 22 workshop on revising the ordinances. R Eck expressed concern about meeting the time
- 23 frame in the Hillcrest rezone.

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

26 Motion to enter into an executive session to discuss pending litigation and the possible acquisition of
27 property by the City – S Gomm, second – R Liechty,

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

29 Nay: None

30 Abstained: None

31 Excused: None

- 32 • The Council entered into an executive session at 9:25 p.m.

33 Motion to close the executive session – R Liechty, second – D Johnson,

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

35 Nay: None

36 Abstained: None

37 Excused: None

- 38 • The Council returned to open meeting at approximately 9:50 p.m.

39 Motion to adjourn – R Liechty

40 Meeting adjourned at approximately 9:50 p.m.

41
42 Minutes taken and prepared by S. Bankhead.

1 Randy T. Simmons, Mayor

Skarlet Bankhead, City Recorder