

1 **PROVIDENCE CITY COUNCIL MINUTES**

2 **April 29, 2008**

3 **Providence City Office Building**

4 **15 South Main Providence, UT**

5

6 Call to order:

Ron Liechty

7 Roll Call of City Council Members:

Ron Liechty

8 Attendance:

R Liechty, J Russell, D Low, K Baker

9 Excused:

Mayor Simmons, Trent Rasmussen

10 Pledge of Allegiance:

John Russell

11

12 R Liechty noticed there wasn't anything on the agenda for a special meeting or comments for the citizens and
13 asked if anyone had any comments. No one did.

14

15 **ELECTION OF MAYOR PRO-TEM**

16 The Providence City Council will elect a mayor pro-tem.

17

18 R Liechty asked if they needed all the council members here to elect a pro-tem.

19 K Baker stated there were three members present so they decided to proceed with election of mayor pro-tem

20 R Liechty explained he is the current pro-tem. If the mayor is not in attendance, R Liechty chairs the meeting. It
21 is time to elect a new mayor pro-tem. He opened the floor and asked for a motion.

22 D Low asked what pro-tem meant.

23 R Liechty advised that if the mayor's not here, a pro-tem stands in his place. "In lieu of".

24 S Bankhead added, "temporary".

25

26 Motion to elect R Liechty as Mayor pro-tem K Baker, second J Russell

27 Vote: Yea: K Baker, D Low, R Liechty, J Russell

28 Nay: None

29 Abstained: None

30 Excused: None

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34 **CONTINUED BUSINESS**

35 Item No. 1. Resolution 08-014. The Providence City Council will consider for adoption a resolution approving
36 the Development Agreement Addendum to the Development and Public Improvement Installation Agreement for
37 Hampshire Estates Subdivision, located generally at 285 West 575 South, requested by Jay Olsen.

38

39 R Liechty explained this item is being discussed today because the city did not have the development agreement
40 ready for April 22nd Council Meeting.

41 R Liechty invited the developers up to the table. He then asked if the City had the information that staff needed;
42 and yes, the city received the information.

43 S Bankhead said staff met with the developers in a pre-construction meeting. As part of that meeting some of the
44 requirements in the development agreement were changed. Katie gave the council members the changes before
45 the meeting started.

46 R Liechty stated he had read through the changes and they looked good and he didn't have a problem with them.

47 He asked Jay Olsen if he had seen the changes.

48 J Olsen replied that he had.

49 R Liechty wanted to make sure the developers had seen and understood the changes. He then said it sounded
50 reasonable to him and that he didn't see anything that "stirred" him.

1 Tyler Gessel said it is what they agreed upon.
2 J Olsen asked if it was about the developers being responsible for the grading of the berm on the west side of the
3 field.
4 R Liechty said yes and he didn't have any problem with that, and asked for a motion.
5
6 Motion to approve Resolution 08-014 as written. J Russell second Kathy Baker
7
8 D Low had some questions on page 6 of 12, "landscaping not required for this developer", does that mean they
9 don't have to landscape?
10 S Bankhead explained the developers do not have to put additional landscaping that commercial developments do.
11 Sometimes residential developments have additional requirements depending on what the agreements are. On this
12 one we're not requiring it; the individual homes will do their own landscaping.
13 J Russell asked if the city is entirely responsible for the whole park.
14 S Bankhead said not entirely, the developer will do the grading on the soccer field area and the berm on the west
15 side, but the city is responsible for the rest.
16 D Low asked about street lights. The Agreement says the developer agrees to install outdoor lighting and conduit
17 in accordance with approved construction plans.
18 D Low then asked if there were different grades/levels of concrete, because where he lives, in a 2 year old
19 development, it seems like the cement is being torn up, it's flaking off. He wanted to know if it was from salt or a
20 different grade of concrete. He asked if it's the way they put it down or the amount of money put into it and is
21 there a standard?
22 S Bankhead reported sometimes the mix does not meet standard; The City talked to the contractors. The remedy
23 is that it's in the development agreement; if there is a problem with any infrastructure, then the developer has to
24 replace it. Otherwise the City will use the bond that the developers put up.
25 D Low said he just wants Providence to be a beautiful place for many years, then he asked who inspects it to
26 make sure it is what it is supposed to be.
27 Jay Olsen told him it is the city engineer. He explained in the Sterling division, they need to go back to the
28 manufacturer. If it's a problem in installing it, it goes to the ones who installed it.
29 Gary Stauffer asked if the City made a decision on the Sterling Subdivision. He said last he heard they weren't
30 going to do anything about it.
31 S Bankhead said the remedy we thought we were going to use won't work. So we're stilling trying to find a
32 solution.
33 J Russell asked how many years the warranty is.
34 S Bankhead reported the developers have 2 years to complete the installation and an additional year for the
35 warranty period. If they get the installation done earlier than the 2 years then the warranty period starts once our
36 engineer gives the go ahead. Then the warranty is an additional year.
37 J Russell asked if they go up to the very last day of the agreement, then does the warranty go for another year.
38 S Bankhead advised the warranty does.
39 J Russell questioned if they finish it in one year, a year from today, and it's all done, then the warranty is good for
40 another year?
41 S Bankhead said yes.
42 D Low said they poured it in the fall and by spring it was already flaking off.
43 J Olsen said as far as the engineer goes it's all in his hands. When the developer says they are done, then the city
44 engineer checks to see if it is done.
45 S Bankhead confirmed the developers don't get to say they are done, the city engineer does.
46 J Russell asked if the City Engineer uses a committee.
47 S Bankhead explained our city engineer very seldom does the inspection without involving the public works
48 director.
49 J Russell asked if it was required.
50 S Bankhead advised it's not required, but he usually involves the public works director or one of the other public
51 works people to give their input but it's not required. The engineer has the final say.
52 J Russell asked if the subdivision came back to the council.
53 S Bankhead said no.

1 J Russell asked if the council receives any kind of notification that Hampshire Estates has gone through its
2 process.

3 S Bankhead said no.

4 J Russell had questions on page 1 of 1. The resolution states it's approximately 5.15 acres, planning and zoning
5 approved for 4.3 acres almost an acres difference here.

6 S Bankhead said she thinks it's the park. Staff will make sure that the correct acreage is on the plat.

7 J Russell said that's what he wanted.

8 R Liechty asked if there were any other questions.

9
10 Vote: Yea: K Baker, D Low, R Liechty, John Russell

11 Nay: None

12 Abstained: None

13 Excused: None

14
15 **NEW BUSINESS:**

16 Item No 1. Resolution 08-015. The Providence City Council will consider for adoption a resolution approving an
17 Interlocal Agreement for Justice Court Services for Millville City.

18
19 Motion to pass resolution 08-015 John Russell second Kathy Baker

20
21 S Bankhead told the committee she invited Beth Munson, our Justice Court Clerk, to come tonight. The way our
22 original agreement was written, we thought it was perpetual unless one or the other parties notified that they were
23 going to get out of it. It came under some scrutiny lately and it was somewhat "iffy" as if it wasn't as perpetual as
24 we thought. She reported Kevin Fife; our prosecuting attorney with Olsen and Hogan prepared the revised
25 agreement.

26 B Munson said she had a call today from Rose Mary Jones, Millville City Recorder

27 B Munson said she apologized for putting this on the agenda for tonight but the Court needed it done by May 1st;
28 we didn't find out about it until after the last council meeting.

29 S Bankhead she talked to the mayor and he said go ahead and put it on.

30 R Liechty said he had a question on item 15 pg 3 of 5, it says the agreement shall be a term of 1 year which will
31 automatically be extended unless terminated, what did the previous agreement say that was different.

32 S Bankhead said it didn't say it would automatically be extended. It said it's for 1 year by mutual agreement, so
33 since we didn't do it in writing our actions made it mutually agreed there was a potential

34 B Munson said basically we were saying it was in effect all those previous years that there was that agreement.

35 Gary Stauffer asked Skarlet what the agreement was.

36 S Bankhead said several years ago, (about 15-17) Millville and River Heights approached Providence for the
37 Justice Court Services. The Cities received special permission from the Court Administrator's Office to be a
38 combined court and we thought we had the agreements so they were perpetual; but apparently we didn't.

39 B Munson explained we split the fine revenue with the other cities.

40 J Russell asked why the wording about previous years was necessary.

41 B Munson explained there are some warrants on there and we don't want to say we have a warrant if we don't
42 have jurisdiction.

43 S Bankhead said we all operate under the old agreement. Given that we continued to operate, write tickets here,
44 and pay the reimbursement. We all operated as if it were perpetual. We just want that statement in so it confirms
45 that we were assuming that the old agreement was perpetual.

46 R Liechty asked how long we have had this agreement.

47 S Bankhead said since 1992.

48 R Liechty said at the start of pg 15 if we put this agreement which has been in effect since 1992, and shall be a
49 term of one year from May 1, 2008 to May 1, 2009 shall automatically be extended. Then asked if wording is ok.

50 B Munson said Rosemary Jones has it and we can get it from her.

51 J Russell wanted to know that since we do everything, such as Beth being the clerk of the courts and we do the
52 accounting, the dirty work and provide the space. Are we getting a good accounting if we are putting in that
53 much effort and we're splitting the cost 50/50?

1 S Bankhead said her suggestion would be that the committee approve this agreement and put something in the
2 motion negotiating the split in a future meeting.

3 B Munson said Millville pays the prosecutor if it goes to trial and that is expensive.

4 Gary Stauffer said but we provide the building we ought to get some compensation

5 J Russell said we have to make this retro back to 1992.

6 S Bankhead suggested approving with the condition Staff contact our attorney and have him word it exactly how
7 he wants; if the council doesn't like the wording we can bring it back at a later date

8
9 Motion to amend Resolution 08-015 with one change stating that item 15 on pg 3 of 5 is to state that this
10 agreement shall be retroactive back to 1992 with a 1 yr term including the changes as to be presented by the
11 attorney. And if we don't agree with the wording we will revisit this. J Russell second K Baker

12 Vote: Yea: K Baker, D Low, R Liechty and J Russell

13 Nay: None

14 Abstained: None

15 Excused: None

16
17 **STAFF REPORTS:**

18 Items presented by Providence City Staff will be presented as informational only.

19 No staff reports

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21 **COUNCIL REPORTS:**

22 Items presented by the City Council members will be presented as informational only; no formal action will be
23 taken. The City council may act on an item, if it arose subsequent to the posting of this agenda and the City
24 Council determines that an emergency exists.

25
26 J Russell would just like to wish Katie good luck. This will be her last meeting.

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28 Motion to be adjourned K Baker second D Low

29 Vote: Yea: K Baker, J Russell, D Low and R Liechty

30 Nay: None

31 Abstained: None

32 Excused: None

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35 Meeting adjourned at 6:00 pm

36 Minutes taken and prepared by Becky Christensen

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42 _____
43 Randy Simmons, Mayor

Skarlet Bankhead, City Recorder