

1 **Providence City Council Meeting**
2 **Providence City Office Building**
3 **15 South Main, Providence UT**
4 **August 10, 2004 6:00 p.m.**

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

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

7 Council: Randy Eck, Stacie Gomm, Deon Johnson, Ron
8 Liechty, Vic Saunders

9 City Manager: Vern Keeslar

10 City Recorder: Skarlet Bankhead

11 Public Works Director: Dee Barnes, attended the study session

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

15 **City Council Reports:**

16 Mayor Leonhardt

17 Senior housing:

18 § Mayor Leonhardt asked the Council if they would entertain the idea of
19 senior housing on the Theurer property along 100 North. The Council was
20 not inclined to approve a residential development in that area at this point
21 in time.

22 Newspaper response:

23 § Mayor Leonhardt expressed some concern that some residents reading
24 the newspaper felt the City bought Maceys. He suggested that people
25 be informed that it is a sales tax reimbursement based on a percentage of
26 sales with a \$1,000,000 cap.

27 § V Saunders explained the newspaper previously reported the amount in
28 error. His response was correcting the error in explaining the \$1,000,000
29 amount.

30 Council Member Stacie Gomm

31 Safe child resolution:

32 § S Gomm asked the Council if they wanted to pursue a safe child
33 resolution. The Council felt something similar to the shortest example
34 could be considered. S Gomm will get a copy to V Keeslar.

35 Council Member Ron Liechty

36 Athletic field user fees:

37 § R Liechty reported he recently met with V Keeslar and S Bankhead to
38 discuss park development and recreation programs. R Liechty felt it was
39 time to take another look at user fees for the athletic fields. He felt the
40 staff had very good information that would support the fees. R Liechty
41 would like to see the user fees discussed in the near future so athletic
42 teams can work them into their spring budgets.

43 Council Member Deon Johnson

44 River Heights City

45 § D Johnson reported River Heights City representatives thanked the City
46 for their offer to help them with culinary water.

47 Culvert 400 S 200 W:

1 § D Johnson expressed concern that the culvert that crosses under 200
2 West at approximately 400 South is plugged. D Barnes will follow up.
3 Vic Saunders
4 § No report.
5 Council Member Randy Eck
6 Church house on 300 East
7 § R Eck reported he has some concern with the site of a proposed church
8 on 300 E and approximately 500 North. Some area residents are
9 concerned with the increased volume of traffic going to the church.
10 § R Liechty reported some of the traffic will be traveling from River Heights
11 City.
12 § Mayor Leonhardt explained there are plans for other roads in the area,
13 including Spring Creek Parkway. D Barnes explained the road to the
14 north (500 North) is currently in the County. D Barnes explained one-half
15 of 500 North will be in the City when the developer builds the road.
16 § V Keeslar explained 300 East is a major arterial road. He felt this was a
17 very good location for a church.
18 § D Johnson felt anywhere a church was built within the City the area
19 residents would have the same concerns. He felt there would be a one
20 day fluctuation in traffic no matter where the building is located.
21 § R Eck suggested this discussion be a future agenda item.
22 § V Saunders asked when the Parkway would be finished. He expressed
23 concern that sewage from the church will be pumped from the lift station
24 until the Spring Creek Parkway connection is made. V Keeslar explained
25 the City is working with the developer on Phase 3 of Brookside.
26 Intersection 300 East Center
27 § D Barnes reported the bid documents for the project will be sent out
28 tomorrow night.
29 **City Manager=s and Directors= Report:**
30 Left hand turn signal - 100 N Hwy. 165:
31 § V Keeslar reported the left turn signal on 100 N Hwy. 165 will be placed on
32 the UDOT list; no time frame was given.
33 § V Saunders suggested UDOT recount the 300 S Hwy. 165 intersection
34 during the school year.
35 City Council bylaws:
36 § V Keeslar reported he is working on the bylaws and hopes to have them
37 for the next council meeting.
38 Sauerkraut canning:
39 § V Keeslar invited Council and their families to can sauerkraut on
40 September 10 in Preston. He also reminded the Council that Sauerkraut
41 Days will be September 24 and 25.
42 Flagged crossing on 100 North:
43 § V Keeslar reported the flagged crossing area has been blue staked.
44 Cemetery Well:
45 § V Keeslar reported the cemetery well is flowing, but it need a courser filter.
46 Public Works employees are working on this and anticipate having the
47 well on line in the near future.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

Sewer and Water billing in PUD=s:

§ V Keeslar explained the \$0.71 reduction savings broken down by utility. He gave a copy of the breakdown to Council Members.

Fall Recreation:

§ S Bankhead reported she is working with District 7 on field availability for the fall competitive teams. The City anticipates using the fields for recreational soccer Tuesday through Friday evenings. Mondays and Saturdays are open for District 7 teams.

§ S Bankhead reminded the Council the Cadillacs will be performing at the Concert in the Park, Monday, August 16.

Water, land use, and annexations:

§ V Keeslar reported Clint Thompson provided V Keeslar with a file of old newspaper clippings on the Cache Mead project.

§ V Keeslar gave the Council a copy and reviewed a letter from Max Pierce regarding current water use and the peak day source demand compared with the City=s water master plan. The City has approximately 412 equivalent residential connections (ERCs) remaining. The City is currently in the process of approving up to 250 ERCs. This leaves 162 ERCs available. The staff estimated the City will need to reserve 36 ERCs for commercial development. The staff estimated another 69 ERCs that are in the pipeline. This leaves approximately 59 ERCs.

§ D Barnes explained the line size was used in factoring the ERCs.

§ V Keeslar explained if the City can utilize the irrigation shares (pressurized irrigation system) more ERCs could be available. D Barnes reported there may be 40 more ERCs when the cemetery well is in full production.

§ D Barnes reported all the wells are very good.

§ V Keeslar reported this information was compiled during the past week. He explained the staff would like to continue to study the water availability in more depth.

§ V Saunders did not feel the City had addressed water conservation. Mayor Leonhardt felt the City had experienced some positive results from the conservation efforts.

Agenda Items:

Pledge: Mayor Leonhardt

Opening: Deon Johnson

Approve minutes and update past business

Motion to approve the minutes of July 27 - D Johnson, second - R Eck,

Corrections:

§ page 4 line 13 water meter barrel

§

Vote: yea: R Eck, D Johnson, S Gomm, R Liechty, V Saunders

nay: none

abstained: none

excused: none

1
2
3 **Item No. 1. Resolution 04-066. The Providence City Council will consider for**
4 **adoption a resolution providing for the imposition of a 9-1-1 Emergency**
5 **Telephone Surcharge Fee.**

6 Motion to approve Resolution 04-046 - R Eck, second - R Liechty,

7 Vote: yea: R Eck, D Johnson, S Gomm, R Liechty, V Saunders

8 nay: none

9 abstained: none

10 excused: none

11 **Item No. 2. Public Hearing - Ordinance Modification 026-2004. The**
12 **Providence City Council will consider for adoption an ordinance granting a**
13 **petition of annexation filed by Stan Checketts for a 220.04 acre (+/-) parcel**
14 **of property located adjacent to the east boundary of Providence City.**

15 Mayor Leonhardt declared the public hearing open.

16 § Mary Hubbard, 360 Edgewood Dr., expressed concern about the amount
17 of water the proposed annexation would require. She felt the City should
18 make sure it had enough water for existing needs before annexing
19 additional property.

20 § Mayor Leonhardt explained the City staff is currently working on a report
21 that evaluates the City=s needs and water availability.

22 § No additional public comment.

23 Mayor Leonhardt closed the public hearing.

24 R Liechty reported he received comments from residents that expressed concern
25 that adjacent property owners had not been notified.

26 § Nathan Ballstaedt reported the affected entities had been notified in
27 writing. The adjacent property owners were notified verbally.

28 § Clint Thompson, 390 East 200 North, reported the County Clerk does not
29 have a record of receiving the copy of the annexation. He felt there was
30 confusion on the County level on the notification. He explained Lynn
31 Lemon will be looking into the County=s procedure.

32 § V Keeslar explained he had personally visited with Mark Tuescher, Cache
33 County Planner, during the early stages of the annexation and Tuescher
34 pointed out some corrections to the plat. C Thompson reported Tuescher
35 reported he had discussed the annexation with Providence City.

36 § Marlin Hoth, 175 North 300 East, reported he did not receive notice of the
37 annexation, even though his property is included in the annexation.

38 § Stan Checketts reported he had discussed the annexation with M Hoth in
39 the early planning stages in hopes of Hoth signing with the other
40 petitioners. He reported he spoke with Hoth in depth about the plans.

41 § S Checketts felt it would be good for the City if the property was
42 developed. S Checketts explained he and the developers understand the
43 development of the water will need to take place for the development of
44 the property.

45 § Gary Stauffer felt if new wells were needed, the developer should put in
46 the new wells, not the City. D Johnson explained the developers, not the
47 City would be responsible for developing and/or obtaining water

1 resources.

2 § D Johnson expressed concern about finding water for property that has
3 historically not had water. He explained when the property is annexed in it
4 will be zoned agricultural. He did not want a high power attorney to
5 press the City into changing the zone and providing services before the
6 City was capable.

7 § V Saunders reported new well permits are not being issued because the
8 well permits are over subscribed.

9 § S Checketts felt the City should use the impact fees to develop the water
10 system. He realized the water was very important, but did not feel the
11 annexation should be stopped. He felt the development of the water
12 should be apart of the deal. He felt annexing the property was good for
13 Providence City to provide a place for people to live. He did not want to
14 close building or growth. He felt they were vital for a community. He
15 wanted a place for family and future generations to build.

16 § Mayor Leonhardt reported the County has projected that 80% of the new
17 build is generated from the children of current residents.

18 § Nate Ballstaedt, developer, felt that annexing the property would give the
19 City an opportunity to master plan the area and would help resolve some
20 of the transportation concerns.

21 § M Hoth felt if the developers wanted water on the property they should
22 consider how to get the water.

23 § V Saunders asked if the developers could wait for the City to review the
24 water situation. S Checketts felt the Council should consider the water
25 availability.

26 § V Keeslar explained the proposed annexing ordinance discusses second
27 source and second access. He suggested it may be beneficial to continue
28 the decision until the first meeting in September. This would give the staff
29 time to study the water availability in depth and give the developers an
30 opportunity to make the property notifications. The staff will also work with
31 Bruce Jorgensen, City Attorney, to add specific language in the proposed
32 annexing ordinance regarding water and access.

33 Motion to continue until the first Council meeting in September - R Liechty,
34 second - R Eck,
35 Motion to amend the motion to add the staff will provide a draft of the annexing
36 ordinance to the Council within two weeks - S Gomm,

37 § S Gomm asked if the staff could provide a draft prior to the agenda
38 packets.

39 § V Keeslar explained some of the property is in water zone 2 rather and
40 may not have the restrictions in water zone 3. The staff will be working
41 with Bruce Jorgensen on this ordinance. V Keeslar did not want to make
42 a time frame commitment without talking to B Jorgensen.

43 § S Gomm reported water and access were her only issues. V Keeslar felt it
44 may be very feasible to have a draft in two weeks, if the only two issues
45 were water and access.

46 The amendment to the original motion died for lack of a second.

1 Vote on original motion: yea: R Eck, D Johnson, S Gomm, R Liechty, V
2 Saunders

3 nay: none

4 abstained: none

5 excused: none

6 **Item No. 3. Resolution 04-065. The Providence City Council will consider**
7 **for adoption a resolution indicating the intent of Providence City to adjust a**
8 **common boundary with Millville City, adjusting its east boundary line**
9 **located generally at 800 East 1000 South to include 135.05 (+/-) acres of**
10 **property currently located in Millville City, requested by Imagine**
11 **Development.**

12 § C Thompson reported 30 years ago the council spent three years in
13 discussions regarding this same property with the County, Millville City,
14 and property owners at that time. C Thompson reported the issues at that
15 time were sewer and access. He reported at that time the developers
16 were not able to provide the services required. He felt the same issues
17 exist today as did 30 years ago but now there was also a water issue. He
18 did not feel the City had an ounce of water for anymore development. He
19 felt the water needed to be found before any development was approved.
20 He did not want to stifle development, but felt the developers should bring
21 water. He also felt bringing the property in had not been sufficiently
22 advertised; he felt it was being Aslid in.@ He reported the County had not
23 received notice of the annexation.

24 § M Hubbard felt the water issue should be resolved.

25 § Bryan Cox, 51 South 200 West, reported the wells he has been testing
26 throughout the county have lowered 30 feet and the pumps are being
27 lowered.

28 § Mark Cohen, Imagine Development, explained the City=s current wells
29 are very good wells. They are capable of providing more water if the City
30 had more rights. He felt the issue was not more wells but more rights to
31 the water, and the availability of the water. He agreed this was a critical
32 issue. He reported he recently met with staff and developed five solutions.
33 They are currently working on three of the solutions.

34 § M Cohen discussed the irrigation requirement. He explained
35 the shares in Blacksmith Fork Irrigation Co. have not been
36 converted through the state engineer to culinary water. He
37 reported the process will take approximately one year. The
38 conversion can take place without effecting other users.

39 § M Cohen explained the irrigation shares could be brought to
40 a reservoir for a secondary irrigation system.

41 § M Cohen explained if some of the Spring Creek laterals can
42 be dried up, more of the City=s shares can be used for
43 culinary water. There are also private irrigation companies
44 that can be set up within an existing irrigation company.

45 § M Cohen felt it would take five years at the current building rate to build
46 380 homes.

47 § M Cohen also cautioned about the rumors that tend to surface when cities

1 cut back on development. He felt the rumors could jeopardize commercial
2 development. V Saunders did not feel the City was shutting down, just
3 taking a pause.

4 § C Thompson agreed with M Cohen but felt the issues needed to be
5 settled. He felt the developer should be spending the money and time to
6 resolve the issues.

7 § D Johnson explained the City is pumping all it can from Blacksmith Fork to
8 use as culinary water.

9 § C Thompson felt the Four Corner=s Study, done in 1979 would be helpful
10 in resolving the issues.

11 § M Hubbard felt part of the problem was getting the current users to
12 conserve. She also felt piping the open ditches would be a big savings.

13 § V Saunders reported he had seen a lot of data in the past week, he
14 wished he would have had previously. He did not feel the City was saying
15 stop all development. He just wants to find out what the City really has for
16 water. He respects the right of property owners to develop. However,
17 water affects every property owner. He did not want to give the
18 expectation the City can proceed if the resources are not available.

19 § D Johnson was not opposed to annexing or the boundary line adjustment,
20 if the burden is put on the developers to provide the infrastructure for
21 development.

22 § V Keeslar explained the county is not notified when two municipal
23 boundaries are adjusted. He also explained having the property come in
24 as agriculture allows some time for the developers and the City to work
25 out the infrastructure issues.

26 § D Johnson explained St George has been out of water for 15 years. They
27 continue to develop and continue to have resources.

28 § R Liechty agreed with V Saunders that he had received a lot of information
29 in the past week. He commended M Cohen for the ideas presented at
30 tonight=s meeting.

31 § R Eck wanted to tell the small number of citizens that were in the
32 audience, the Council is not dealing with idiots@ or fly-by-night@
33 developments. He felt the developers that attended tonight=s meeting
34 were committed to the developments and the City. He did not feel anyone
35 was trying to slide by@ anything.

36 § V Keeslar explained with the approved letter of understanding the City
37 agreed to consider the boundary line adjustment. He explained a
38 boundary line adjustment is a two step process in each city involved. After
39 the resolution is approved, there is a 60-day waiting period prior to the
40 next public hearing.

41 § M Cohen explained the boundary adjustment only included the property in
42 the City=s annexation policy.

43 § S Gomm asked if a condition of annexation could be water solutions
44 pursued. She felt where there were 60 days before the next step there
45 was an opportunity to look at additional information. She felt if the Council
46 was okay with the adjustment philosophically, then the resolution could be
47 approved. However fit the Council does not want the adjustment at all,

1 then the resolution should be denied.
2 § M Cohen did not feel the problems would be solved in 60 days; it will take
3 years. He felt the Council would have more comfort with the numbers
4 during the 60-day period.
5 § V Saunders asked if the developer was willing to stop development if
6 water sources were not available. M Cohen felt he could live with 40
7 homes being developed. He understood if the developers and the City
8 could not find water, development would stop.

9 Motion to go forward and approve Resolution for the initial intent to adjust the
10 boundary with all the conditions and understandings discussed in tonight=s
11 meeting - V Saunders, second - S Gomm,

12 Vote: yea: R Eck, D Johnson, S Gomm, R Liechty, V Saunders
13 nay: none
14 abstained: none
15 excused: none

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

18 Motion to enter into executive session - V Saunders, second - R Liechty,

19 Vote: yea: R Eck, D Johnson, S Gomm, R Liechty, V Saunders
20 nay: none
21 abstained: none
22 excused: none

23 § The Council entered into an executive session at approximately 8:30 p.m.
24 § S Bankhead was excused from the executive session.

25 Motion to close the executive session – R Eck, second – D Johnson

26 Vote: yea: R Eck, D Johnson, S Gomm, R Liechty, V Saunders
27 nay: none
28 abstained: none
29 excused: none

30 § The Council returned to the open meeting at approximately 9:00 p.m.

31 Motion to adjourn – V Saunders, second – S Gomm.

32 Vote: yea: R Eck, D Johnson, S Gomm, R Liechty, V Saunders
33 nay: none
34 abstained: none
35 excused: none

36 The meeting adjourned at approximately 9:05 p.m.

37
38 Minutes taken and prepared by S Bankhead.

39
40
41 _____
42 Alma H. Leonhardt, Mayor

41 _____
42 Skarlet Bankhead, City Recorder