

1 **Providence City Council Meeting**  
2 **Providence City Office Building**  
3 **15 South Main, Providence UT**  
4 **Tuesday, October 25, 2005 6:00 p.m.**

5 **Attendance:** Mayor: Alma H. Leonhardt  
6 Council: Stacie Gomm, Deon Johnson, Ron Liechty, Vic Saunders  
7 City Recorder: Skarlet Bankhead  
8 Public Works Director: Randy Eck

9 **The Providence City Council will hold a study session at 6:00 p.m. in the City**  
10 **Council Chambers. This session will be open to the public; however no public**  
11 **comment will be heard and no action will be taken on agenda items. It will also**  
12 **include a discussion with property owners along 100 South, adjacent to the property**  
13 **being developed by Amsource.**

14 Council and Director Reports:

15 Council Member Vic Saunders:

- 16 • V Saunders reported Jerry Frei, 365 Garden Drive, and Brian Blotter, 375 Garden  
17 Drive, are concerned about the detention pond in their backyard. They are  
18 concerned about the depth and would like to plant and fence the pond. J Beazer  
19 reported Vern Keeslar had told the property owners grass was okay; but no fence.  
20 V Saunders felt there were pros and cons for a fence. J Beazer reported the  
21 residents were concerned about the grade and the ability to plant grass.
- 22 • D Johnson felt the maintenance issues needed to be considered when planting the  
23 pond area. He felt detention ponds should be rocked and kept as maintenance free  
24 as possible. Mayor Leonhardt suggested planning a grass similar to the type used  
25 in the detention pond across from Creekside Townhomes.
- 26 • Staff will review and report back at the next meeting.

27 CERT Group:

- 28 • V Saunders reported there will be a CERT article in the newsletter.

29 Council Member Ron Liechty:

30 Planning Commission update:

- 31 • R Liechty reported the Planning Commission reviewed a request by Stephen  
32 Roberts for site plan approval for a commercial office/retail building. The  
33 Planning Commission was concerned that the back side of the building fronted the  
34 street. R Liechty reported a second drawing, with a more appealing architecture  
35 on the street side, was submitted and reviewed prior to tonight's meeting.
- 36 • R Liechty reported the Planning Commission reviewed the preliminary plat for  
37 Hillcrest Subdivision. He reported area residents were concerned about 400 East.  
38 The Planning Commission recommended approval, but asked the Council to  
39 consider the safety of 400 East between Canyon Rd and 1000 South.
- 40 • R Liechty reported the Planning Commission reviewed a request from Greg  
41 McDonagh for a plat amendment to Grandview Hills Subdivision. He reported  
42 many people were concerned about their property value decreasing. S Gomm  
43 asked about inter-block development. R Liechty reported this lot will front a  
44 street. The Planning Commission tabled the item for clarification of the state  
45 code.

46 Council Member Deon Johnson:

1 Water system maintenance:

- 2 • D Johnson suggested setting aside money each year for waterline replacement. V  
3 Saunders asked if impact fees could be used. It was explained that impact fees  
4 cannot be used for system maintenance.

5 Comb Flat second culinary source:

- 6 • R Eck reported the pump station project is waiting for a part from Texas. In  
7 speaking with the contractor today, the truck should be here tomorrow.
- 8 • V Saunders felt by educating people to use less water, the City could increase the  
9 number of available connections.

10 Council Member Stacie Gomm:

11 Animals in the parks:

- 12 • S Gomm felt another sign on the west soccer field would be beneficial. She also  
13 felt patrolling early in the athletic seasons would be helpful.

14 Providence Highlands:

- 15 • S Gomm felt Imagine Development should be invited to a November council  
16 meeting. She would like a progress report on the development.
- 17 • D Johnson reported the water right transfer was discussed at the recent Rural  
18 Water Conference.

19 Mayor Leonhardt:

20 Irrigation water problem:

- 21 • Mayor Leonhardt reported irrigation water was running down 300 East last  
22 Thursday. John Vanderford met Randy Eck on site. Mayor Leonhardt explained  
23 water running on the roads is very damaging to the roads. The culvert was  
24 plugged with leaves. In the past, the policy has been that the irrigation water was  
25 turned out October 1. He felt it mandatory that Spring Creek Irrigation Company  
26 step up and do something about the water in the streets and making sure the water  
27 is turned out October 1.
- 28 • R Eck reported there was so much irrigation water running on 300 East that  
29 someone called the sheriff's department and reported a water main break.
- 30 • Mayor Leonhardt reported D Baker has verbally committed to fixing the irrigation  
31 leaks. However, the Mayor felt it was time the Irrigation Company actually fixed  
32 the problems.

33 Randy Eck, Public Works Director:

34 Trees obstructing intersections:

- 35 • R Eck reported the trees obstructing the intersections have been addressed.

36 Braegger Park:

- 37 • R Eck reported the post at Braegger Park can be replaced if the Council wants to.  
38 S Gomm felt the Council needed to decide what improvements could be done,  
39 given the conditions at the time of the donation.
- 40 • V Saunders explained a federal tax attorney would say the contract with  
41 conditions is not valid; once property is donated, the control of the property  
42 belongs to the recipient.
- 43 • S Gomm felt a restroom was necessary.

44 Additional backhoe:

- 45 • R Eck reported he felt one backhoe was enough. The staff is still small enough  
46 that if water leaks occur, all go to work on the leaks. However, he suggested

1 trading the current backhoe for a new one. The City can purchase a Case 580  
2 Super M-2 for \$66,671.72; the current backhoe has a trade-in value of \$28,000,  
3 the balance would be \$38,671.72. The new backhoe will have the larger bucket.  
4 R Eck will present a resolution at the next meeting.

5 Snow removal:

- 6 • V Saunders reported Clair Ellis would like the City to clear the snow rick from  
7 driveway approaches after the plow has past by. R Eck explained clearing the  
8 approaches would be like mowing private lawns.
- 9 • R Eck reported there are sidewalks that need to be replaced. He reviewed  
10 Providence City Code 7-2-1. He felt sidewalks were infrastructure and  
11 maintenance and repair costs should be anticipated in the City's budget. He felt  
12 replacing and/or repairing a worn sidewalk was comparable to street maintenance.  
13 He explained the City doesn't have homeowners participate in chip seal projects.
- 14 • Kathy Baker felt the logic in asking for citizen participation was people that  
15 would take better care of the sidewalks, if they participated in the cost.

16 Water meter reading:

- 17 • R Eck reported about 18 months ago the Council felt the touch read meters should  
18 be completed. The meters have been installed. The software now needs to be  
19 updated. He would like to invite a representative to discuss the update and costs.  
20 The Council agreed.

21 100 South east of SR165:

- 22 • Elaine Andersen lives in Perry, Utah but owns property along 100 South. She and  
23 her husband Dee reported the property owners west of the proposed cul-de-sac are  
24 against the cul-de-sac. They feel it will negatively impact their property values.
- 25 • D Johnson asked why the cul-de-sac would negatively impact undeveloped  
26 property. E Anderson explained people will not want to go west or north to travel  
27 east to Providence. The Andersen's stated they will not give property for a cul-  
28 de-sac; but are willing to work with the City on a through street. D Andersen felt  
29 building a city street, with or without a cul-de-sac, would impact the property  
30 owners to the east; so the street may as well be a through street.
- 31 • S Gomm suggested a meeting with all property owners. The Council agreed.

32 **The Providence City Council will begin discussing the following agenda items at**  
33 **7:00 p.m. Anyone interested is invited to attend.**

34 **Pledge:** Mayor Leonhardt **Opening:** R Liechty

35 **Minutes:**

36 Motion to approve the minutes of October 11 – S Gomm, second – D Johnson

- 37 • Corrections: none

38 Vote: Yea: S Gomm, D Johnson, R Liechty, V Saunders

39 Nay: None

40 Excused: None

41 Abstained: None

42 **Item No. 1. The Providence City Council will select a Providence City resident to fill**  
43 **the Council seat vacated by Randy Eck.**

44 Mayor Leonhardt explained two citizens have asked to be considered for the council seat  
45 vacated by Randy Eck: Gary Melborn, a former mayor and Stan Checketts, a life long  
46 citizen.

- S Gomm respected both men. However, she questioned the need to fill the seat for three meetings. She felt the issues would require a lot of education. D Johnson felt the state code should be followed. R Liechty and V Saunders felt the state code should be followed.
- The Council voted by ballot. Stan Checketts received three votes, Gary Melborn received two votes.

**Item No. 2. The Providence City Council will consider for adoption a resolution approving a preliminary plat for Providence Town Center, a commercial subdivision located generally at 100 South Spring Creek Parkway and Highway 165 and 100 North.**

- Carl Pitt reviewed the preliminary plat that was presented to the Planning Commission. He explained they are showing a 10-foot public utility easement around the exterior of the property. The interior public utility easements will be dedicated as needed by development.
- C Pitt explained this establishes the lot pattern on a preliminary basis.

Motion to approve Resolution 05-044 – V Saunders, second – R Liechty

Vote: Yea: S Gomm, D Johnson, R Liechty, V Saunders

Nay: None

Excused: None

Abstained: None

**Item No. 3. The Providence City Council will consider for adoption a resolution approving a zone change for a 34.72 (+/-) acre parcel of property located generally at HWY 165 and 100 North (Cache County Property Number(s) 02-096-0053 and 02-088-0016). The applicant is requesting approximately 30.04 acres be zoned Commercial General District (CGD) and approximately 4.48 acres be zoned Multi-family High Density (MFH). The property is currently zoned Agricultural (AG). The zone change is being requested by Amsource Providence, LLC.**

- V Saunders felt an agreement had been made for medium density. C Pitt explained an agreement had been reached to change to multi-family medium.
- C Pitt explained medium density would be approximately 56 units. The zone allows height restrictions by the IBC; they will limit building height to 35 feet. Fifty percent of the parking will be covered. There will be some type of a clubhouse or facility for a gathering place. No tandem parking will be allowed. The architectural 360 degree look utilizing stucco, rock, or brick in natural colors (no vinyl) will be on each building. The lighting will be dark sky. There will be a combination of different types of buildings.
- C Pitt explained enforcement will be in part, by being noted in the approval process; second development covenants will be recorded.
- Mayor Leonhardt explained this was not a public hearing; however, he would allow some public comment.
- Dave Anderson clarified the density. He asked if the units would be rentals or ownerships. John Gaskell, Amsource, explained they are well aware of the problems that occur in apartment projects. He felt this would most likely be a project for sale. He felt the piece was too small for apartments. He explained their plan is not to do it themselves; but find a builder that provides a very fine product that will enhance and compliment the commercial center. It will also

- 1 mask the rear exteriors of the commercial buildings. He felt alternatives to a  
2 clubhouse, such as a tot-lot or landscaping features, should be considered. He is  
3 hoping to have plans very soon. They do not want something that is not 1<sup>st</sup> class  
4 nature.
- 5 • S Gomm felt the Council was interested in property for sale as opposed to rental  
6 property.
  - 7 • D Anderson asked about the density of Creekside Townhomes. His concern was  
8 the transition from a commercial area to a ranchette type area. He explained the  
9 area residents were against high density rental units. He felt they would be  
10 transient units. He did not want transient type housing; he preferred something  
11 that would attract people on a permanent basis.
  - 12 • V Saunders asked if the medium density addressed some of the concerns. D  
13 Anderson did not want to make a statement without seeing a plan of the project.  
14 He expressed concern for the need for commercial value; not more residential.
  - 15 • S Gomm asked how many acres of undeveloped ground separated the multi-  
16 family area from the current single-family homes. Mark Thompson felt there  
17 would be about 10 acres. Carl Pitt estimated 20 acres.
  - 18 • Lloyd Baer asked about access. The Council explained the development will  
19 extend their share of Spring Creek Parkway from 100 North to 100 South.
  - 20 • C Pitt explained they will be dedicating right-of-way on 100 South. They will be  
21 dedicating almost 3 acres for public right-of-way in the plat process.
  - 22 • Mayor Leonhardt explained the south half will be dedicated when the south side  
23 of 100 South was developed.
  - 24 • Mark Thompson asked if the entire project hinged on the zone change. C Pitt and  
25 J Gaskell said yes. They stated the Macey's property is not a go unless they can  
26 get medium density.
  - 27 • C Pitt explained Macey's had increased the square footage of their building from  
28 the original concept. This required the development to acquire more property. J  
29 Gaskell explained the problem in the grocer's mind is that they need the grocery  
30 store to be larger than the grocery portion of the Wal-Mart store. C Pitt explained  
31 the store will be at least 77,000 square feet.
  - 32 • J Gaskell explained the store will have a farmer's market. They are also talking  
33 with American First for an in-store credit union. J Gaskell explained the multi-  
34 family does not deter from the project.
  - 35 • M Thompson explained several of the area residents are opposed to the  
36 development. He felt the Council was being manipulated. He felt the City should  
37 be looking for income benefits not additional housing.
  - 38 • Glenn McEvoy felt the City was being asked to subsidize the project. He  
39 requested the City look at asking for 15% open space. Darcy McEvoy felt a  
40 citizens' initiative should be considered, instead of how developers want the City  
41 to develop.
  - 42 • V Saunders explained the City has considered professional space in the four acres.  
43 The problem is there is professional space sitting idle in Providence. Residential  
44 brings a tax base. There are more tax benefits for the City with multi-family than  
45 with professional space. He explained the income potential had been investigated  
46 by the Council.

- 1 • R Liechty reported he brought up the some of the same issues during a previous  
2 meeting. He felt the original building proposal was for 75,000 square feet. He  
3 also expressed concern about the project hinging on the multi-family. He  
4 reported Planning Commission is also concerned about putting the “cart before  
5 the horse”; he would prefer to deal with the buyer of the property. R Liechty  
6 wanted to see the proposed development. He was concerned giving carte blanc to  
7 multi-family. He wanted to see the product before changing the zone.
- 8 • C Pitt explained the initial drawings, used when they contacted Seth Alder, had a  
9 smaller store. Macey’s then asked for the size increase approximately 18 months  
10 to two years ago. When Macey’s asked for a larger store; it required the purchase  
11 of more ground. At that time, Macey’s wanted a 75,000 square foot store; it is  
12 now projected to be 77,000.
- 13 • C Pitt explained the residential aspect is tied to the overall financing. They will  
14 be making a \$15,000,000 investment; that will have to be absorbed over time.  
15 The lenders want to know how the investment will be recovered. The prospective  
16 buyers of the property want to know what the “playing field” is. They want to be  
17 able to purchase with an existing playing field. He explained there will be two  
18 safeguards; the site plan process and the covenants placed by the development.  
19 They are bordered by 500 feet of depth of agricultural property. They are  
20 committing they will do the project tastefully and professionally.
- 21 • R Liechty’s concern was that the buyer may come back to the City and say they  
22 cannot meet the conditions. He explained if Amsource maintains the project, they  
23 can see it through; but once the project is sold the City is dealing with a new party  
24 that may ask for higher density. C Pitt and J Gaskell stated the Council could say  
25 no. C Pitt did not feel it was a compromise if the playing field was in place. C  
26 Pitt explained they are delivering on the commercial side. R Liechty explained  
27 the City needs to make the zone change for the development to deliver on the  
28 commercial side. R Liechty felt it would be better if the potential buyer could  
29 work with the Council on the zone change. C Pitt explained they are trying the  
30 best they can to give the City as much control as possible. C Pitt felt Amsource  
31 had to have the multi-family zone change in place before the residential property  
32 could be sold and the commercial project moved forward.
- 33 • J Gaskell explained when the development changed to the deeper project, the  
34 multi-family was part of the project. It has been part of the project for a long  
35 time.
- 36 • C Pitt explained they could make the conditions a deed restriction.
- 37 • An audience member suggested Amsource donate the property for a park, rather  
38 than sell it for multi-family housing.
- 39 • D Johnson felt the decision on the zoning, prior to the sale of the property, was so  
40 a buyer would know what they were buying. D Johnson did not feel a park  
41 running into another park was good for the area. He felt green space often turns  
42 into junk space. He felt there should be a buffer zone. He felt the City was  
43 looking at what zone would please the developers and the property owners to the  
44 east.
- 45 • C Pitt explained there will be green space on the multi-family parcel just to meet  
46 the City’s zoning and setback requirements.

- 1 • S Gomm explained there is history with the Council and there is new information. She felt she was more confused today than she was two weeks ago.
- 2
- 3 • R Eck felt from the get go this would be a 75,000 square foot building; he was
- 4 struggling with the zone of phase three being so critical to the commercial project.
- 5 He expressed concern about the City’s position, if the zone is changed to multi-
- 6 family and the Amsource deal falls through.
- 7 • S Gomm felt things had changed and the Council had not been informed. C Pitt
- 8 explained in order to accommodate the approved site plan, Macey’s will require a
- 9 10-acre parcel. Macey’s store location needed to be pulled to the back, which
- 10 meant acquiring additional property.
- 11 • Mayor Leonhardt explained the Council had reviewed the information many
- 12 times. V Saunders and D Johnson agreed. They felt the issues had been
- 13 discussed numerous times.
- 14 • V Saunders felt reducing to medium density created more open space.

15 Motion to approve with the agreement of medium density, no rentals – purchased condo  
 16 type, limit building height to 35 feet, 50% percent of the parking will be covered, some  
 17 type of a clubhouse or facility for a gathering place, no tandem parking will be allowed,  
 18 architectural 360 degree look utilizing stucco, rock, or brick in natural colors (no vinyl)  
 19 will be on each building, lighting will be dark sky – D Johnson, second – V Saunders

- 20 • V Saunders asked if it was legal to require ownership. C Pitt explained once the
- 21 condo was sold it will be a property right of the owner to rent the condo. It can be
- 22 developed as a “for sale” product but the rental could not be limited.
- 23 • S Gomm felt there were a number of properties between the buffer zone and
- 24 existing residential.
- 25 • S Gomm wanted to know the history of why the settlement to have Macey’s
- 26 come early had not been utilized. Mayor Leonhardt explained legally Macey’s
- 27 has not been able to get out of the lease agreement. S Gomm felt the City was
- 28 helping with the substantial penalties. J Gaskell explained the lease agreement
- 29 was tighter than they realized. C Pitt explained they are trying to get Macey’s to
- 30 Providence as fast as possible.

31 Vote: Yea: V Saunders, D Johnson, S Gomm  
 32 Nay: R Liechty  
 33 Excused: None  
 34 Abstained: None

35 **Item No. 4. Notice of Public Hearing - Providence City Council**

36 **Pursuant to Utah Code 10-2-419 Providence City Council hereby gives notice that it**  
 37 **has adopted a resolution indicating the intent of the municipal legislative body to**  
 38 **adjust a common boundary between Providence City and River Heights City,**  
 39 **located generally along the north property line of Lot 111 of the Cobble Stone at**  
 40 **Spring Creek Subdivision.**

41 **A public hearing to consider the boundary adjustment will be on Tuesday, October**  
 42 **25, 2005. This public hearing will be held at the Providence City Office Building, 15**  
 43 **South Main, Providence UT. The meeting begins at 7:00 p.m.**

44 **The Providence City Council will adjust the boundaries unless, at or before the**  
 45 **public hearing, written protests to the adjustment are filed by the owners of private**  
 46 **real property that:**

- 1           A.     **is located within the area proposed for adjustment;**  
2           B.     **covers at least 25% of the total private land area within the area**  
3                   **proposed for adjustment: and**  
4           C.     **is equal in value to at least 15% of the value of all private real**  
5                   **property within the area proposed for adjustment.**

6 **Written protests may be filed with the Providence City Recorder, 15 South Main,**  
7 **Providence UT 84332**

8 Mayor Leonhardt opened the meeting for public comment.

- 9         • Mark Malmstrom asked if River Heights City was in agreement. The Councils  
10           stated yes.

11 Motion to approve Ordinance Modification 013-2005 with River Heights City – V

12 Saunders, second – S Gomm

13 Vote: Yea: S Gomm, D Johnson, R Liechty, V Saunders

14         Nay: None

15         Excused: None

16         Abstained: None

17 Motion to adjourn – V Saunders, second – R Liechty

18 Vote: Yea: S Gomm, D Johnson, R Liechty, V Saunders

19         Nay: None

20         Excused: None

21         Abstained: None

22 Meeting adjourned at 8:40 p.m.

23

24 Minutes taken and prepared by S Bankhead.

25

26

27

28 \_\_\_\_\_  
Alma H. Leonhardt, Mayor

\_\_\_\_\_  
Skarlet Bankhead, City Recorder