

1 **Providence City Council Meeting**
2 **Providence City Office Building**
3 **15 South Main, Providence UT**

4 **Tuesday, December 14, 2004 6:00 p.m.**

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

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

13 **City Councils' Report:**

14 Mayor Leonhardt:

15 Mosquito Abatement Special District Board:

- 16 • Mayor Leonhardt explained he asked Bryan Cox to serve on the Mosquito Abatement Special
17 District Board. However, B Cox cannot attend tonight's District Board meeting. The Mayor
18 suggested V Saunders be appointed to serve on the Mosquito Abatement Special District Board
19 and attend tonight's District Board meeting.

20 Council areas of focus for 2005:

- 21 • Mayor Leonhardt suggested the following areas of focus:
22 Ron Liechty – Planning and Zoning
23 Stacie Gomm – Parks and Recreation
24 Deon Johnson – Water and Sewer
25 Randy Eck – Streets
26 Vic Saunders – Public Health and Safety
- 27 • Vic Saunders did not agree with the change. He felt strongly that he should continue with
28 Planning and Zoning.
- 29 • Mayor Leonhardt felt, with R Liechty's experience on the Planning Commission, changing areas
30 of focus would be beneficial.

31 Public Works Vehicle Building:

- 32 • Mayor Leonhardt reported the construction of the building has started.

33 Council Member Ron Liechty:

34 Street light placement:

- 35 • R Liechty explained UP&L moved a street light, at a citizen's request, to facilitate a new
36 driveway. The light now shines into the neighbor's window.
- 37 • D Barnes explained the resident went through the City. However, since the neighbors were
38 brothers, the City assumed the neighbors were in agreement.
- 39 • D Barnes reported UP&L changed the type of light today in hopes the light will not shine in the
40 neighbor's window. He explained if this does not work, UP&L will try putting a shield on the
41 light.

42 Council Member Stacie Gomm:

43 District 7 Soccer:

- 44 • S Gomm reported R Liechty, V Keeslar and S Bankhead met with Jared Luther, President of
45 District 7 League 50. S Gomm reported J Luther explained the \$2 fee the League collects at
46 registration is from recreation teams only; competitive teams do not pay the fee.
- 47 • S Gomm reported League 50 has appointed an area leader for the Providence area. S Gomm
48 explained the group is proposing a cooperative agreement with League 50 for recreation soccer
49 this spring, where the City would assume the area duties for field maintenance and preparation.
- 50 • If the agreement is accepted, League 50 will pay Providence City \$2 per recreation player that is
51 collected as part of the registration. Competitive and state level teams will pay the field user fee,
52 if it is adopted.

53 Council Member Deon Johnson:

54 Spring Creek Irrigation Company:

- D Johnson reported John Vanderford will replace Glen Dattage as the Spring Creek Irrigation Co. water master. R Eck stated he has an excellent relationship with J Vanderford and is looking forward to working with him.
- Mayor Leonhardt thought J Vanderford would be good to work with.
- D Johnson discussed the possibility of closing a lateral that has only one user. D Johnson reported Ron Zollinger will talk with the user.

Leasing shares:

- V Saunders reported he has had calls from citizens that would like to lease the City's water shares. V Keeslar reported rather than do a lottery, City policy allows the current lessees the first right of refusal.
- V Saunders expressed concern about someone leasing the shares and then proving they have beneficial use and require the shares. He felt it may jeopardize the City's position in retaining the shares.

Council Member Randy Eck:

Street lights:

- R Eck expressed concern that UP&L will relocate a light, but will not get new lights in. D Barnes reported he spoke with the local representative today. They are working on the City's order.
- V Keeslar explained the resident called the Oregon office and received a work order number for the relocation.
- R Eck suggested the City consider calling the Oregon office.

Intersection of 400 S and Main Street:

- R Eck reported he received two phone calls from residents that have concerns with the 4-way stop at 400 S and Main Street. Stopping, at Main Street, when the intersection is slick causes difficulty when traveling east.
- V Saunders reported he has been on the road when you could not go east because the road was so slick.

Council Member Vic Saunders:

- V Saunders will make his report during the discussion on accessory dwelling units.

City Manager's and Directors' Report:

City Manager Vern Keeslar:

Holiday lights:

- V Keeslar reported the Youth Council will be judging the holiday lights this weekend.
- V Keeslar reported he and members of Public Works went to several cities to look at holiday decorations and lighting.

Future Agenda Items:

Possible Board of Equalization meeting January 11, 2005 at 5:00 p.m.

- V Keeslar reported there may be a Board of Equalization meeting on January 11, 2005 at 5:00 p.m. Deer Creek Apartments are considering a request for an adjustment of their utility rates. If the application is received, the information will be included in the January 11, 2005 agenda packet. V Keeslar reported staff is not recommending an adjustment.
- D Johnson felt the apartments will have significant flow into the sewer.
- V Keeslar explained the apartments are under the current definition of "Family."

Discussion Items:

a. Accessory Dwelling Units

- V Keeslar reviewed the purpose statement. He explained the statement meets fair housing requirements.
- V Saunders expressed concern with the term temporary. V Keeslar explained temporary is how long the current owner stays in the home. V Keeslar expressed concern about the constitutional merit of the conditional use terminating with a change of ownership. He explained conditional uses run with the land not the owner.
- V Keeslar explained the Council could consider a special exception. However, he recommended accessory dwelling units remain a conditional use.
- R Eck felt the Council needed to strongly consider changing the ordinance.
- V Keeslar agreed. He explained when the ordinance was adopted in 1994; the housing options in the City were limited. Now the City has a variety of housing options. V Keeslar reported he could

- 1 write an ordinance that would be better than the current ordinance. However, he felt the council
 2 was leaning toward repealing the accessory dwelling unit ordinance.
- 3 • The Council expressed concern about a caregiver living in the home. V Keeslar explained if there
 4 is only one kitchen, a caregiver can still live within the home. V Keeslar explained the fair
 5 housing act will not allow the City to make exceptions for grandmother needing to rent an
 6 apartment.
 - 7 • V Keeslar reported the City currently has a second kitchen agreement where the homeowner
 8 agrees, if they have a second kitchen, they will not turn the area into rental unit.
 - 9 • The Council expressed some concern about limiting the number of kitchens. V Keeslar explained
 10 a second kitchen can be built as long as the homeowners sign an agreement they will not turn a
 11 portion of the home into an accessory dwelling unit without going through the City's process.
 - 12 • S Gomm asked about current users if the City repeals the ordinance. V Keeslar reported the
 13 current legal owners will be grandfathered. If the use is not utilized for 12 months, the use is no
 14 longer available.

15 **Agenda Items:**

16 **Pledge:** BSA Troup 430 and BSA Troup 435

17 **Prayer:** D Johnson

18 **Minutes:**

19 Motion to approve the minutes – D Johnson, second – R Liechty,

20 **Corrections:**

- 21 • Page 4 line 48 ~~Rieder~~ **Recker**

22 **Vote:**

23 Yea: R Eck, S Gomm, D Johnson, R Liechty, V Saunders
 24 Nay: none
 25 Abstained: none
 26 Excused: none

27 **Item No. 1 Resolution 04-098. The Providence City Council will consider for adoption a resolution**
 28 **appointing a representative to serve on the Cache County Mosquito Abatement Special District**
 29 **Board. (Amended 12/09/04)**

- 30 • Mayor Leonhardt recommended Vic Saunders be appointed to serve on the Board.
- 31 • V Saunders explained he was willing to accept the appointment but was concerned about having
 32 to leave tonight's meeting before all agenda items were discussed.
- 33 • Mayor Leonhardt agreed with the concern and explained tonight's Special District Board meeting
 34 will be dealing with the tax rate. He suggested the Council discuss the agenda items V Saunders
 35 was most interested in at the beginning of the meeting.

36 Motion to approve Resolution 04-098 appointing Vic Saunders – S Gomm, second – R Liechty

37 Yea: S Gomm, D Johnson, R Liechty
 38 Nay: R Eck, V Saunders
 39 Abstained: none
 40 Excused: none

41 **Item No. 2 Resolution 04-095. The Providence City Council will consider for adoption a resolution**
 42 **approving a conditional use for an accessory dwelling unit located generally at 134 North 300 East,**
 43 **requested by Patricia Canning.**

- 44 • R Eck expressed concern that the applicant was not in attendance. V Keeslar explained many
 45 times the applicant feels if are approved in Planning Commission and they meet code, it is not
 46 necessary to attend the Council meeting.

47 Motion to approve Resolution 04-095 – V Saunders, second – R Eck,

- 48 • V Saunders asked if the homeowner was aware the ordinance is going to be modified. V Keeslar
 49 did not think the homeowner knew of the ordinance changing.

50 **Vote:**

51 Yea: R Eck, S Gomm, D Johnson, R Liechty, V Saunders
 52 Nay: none
 53 Abstained: none
 54 Excused: none

1 **Item No. 3 Resolution 04-096. The Providence City Council will consider for adoption a resolution**
2 **implementing user fees for Providence City’s athletic fields.**

- 3 • R Liechty reported, as a result of the discussion with Jared Luther, it is R Liechty’s suggestion that
4 the home team take care of the fees. As other cities establish fees, it will be their responsibility to
5 collect fees from home teams.
- 6 • R Liechty explained the field user fees only apply to programs that are not affiliated with the
7 City’s recreation program.
- 8 • V Saunders felt the fee should be included in District 7’s expenses. V Saunders did not see why
9 District 7 was making a “big deal” over the fees. R Liechty explained there may be some teams
10 that never play on the City’s fields.
- 11 • S Gomm did not feel District 7 was making a “big deal” over the fees. She feels it is the coaches
12 that are concerned.
- 13 • V Keeslar explained the proposed fee is \$10 per game. V Keeslar explained the staff took a
14 modest amount for basic materials used in addition to recreation play.
- 15 • V Saunders explained in Salt Lake County, teams pay a fee within their registration fee.
- 16 • S Gomm explained, for competitive teams, District 7 puts the responsibility of finding a field and
17 paying referees on the coaches. Having the fee administered through the home team coaches is in
18 line with the District’s current way of doing business.
- 19 • V Keeslar explained the staff is recommending a season fee based on the game fee and an average
20 number of games.
- 21 • R Eck expressed concern about the difference of soccer and baseball. R Eck felt it would cost
22 more for baseball maintenance than soccer maintenance. V Keeslar explained this is a modest
23 user fee. It is not about soccer or baseball; it’s about recovering minimal costs. S Bankhead
24 explained information put out by national organizations indicate soccer is extremely hard on the
25 fields, increasing maintenance costs. R Eck still felt there were basic differences.
- 26 • Brian Olson reported Smithfield City charges \$2.50 per season per player. B Olson did not feel
27 there had been adequate communication between the District and the City. He did not feel proper
28 soccer field maintenance had taken place. He felt the City had mismanaged the soccer fields.
- 29 • B Olson reported he tried to put together a meeting with City representatives and soccer coaches to
30 discuss field etiquette; but was told by a council member not to arrange the meeting. He felt the
31 soccer community could work with the City, but the communication needed to be between the
32 coaches and the City, not the District.
- 33 • V Saunders explained discussions of fees began when he looked at the large budget amount the
34 City was spending on recreation. Charging fees was never about one sport or the other or
35 communication; it was recovering some of the expense.
- 36 • S Gomm felt the City was trying to improve communication with soccer coaches. She explained
37 District 7 has always required a signature for permission to use a field, but hasn’t really enforced
38 the rule. She reported Jared Luther agreed to enforce the signature policy for Providence City
39 fields. It was felt by enforcing the signature policy the City would have more control of the fields.
- 40 • V Keeslar stated he disagreed with B Olson’s comments. V Keeslar explained District 7 is the
41 organization providing the competitive soccer program. The City is communicating with District
42 7’s representatives. It is District 7’s responsibility to communicate with the coaches.
- 43 • V Keeslar did not know if it was fair to put the burden on the general citizens of Providence, if
44 there are people that are willing to pay to use the fields. He felt the Council would find out very
45 fast if people were willing to pay the minimal fees.
- 46 • S Bankhead reported she had several teams contact her during the past year wanting to use the
47 City’s fields; stating they would be willing to pay to use the fields.

48 Motion to approve Resolution 04-096 – V Saunders, second – D Johnson,

49 Vote:

50 Yea: D Johnson, R Liechty, V Saunders
51 Nay: R Eck, S Gomm
52 Abstained: none
53 Excused: none

- 54 • R Liechty felt it may be appropriate to reduce the fee to \$5.00 per game.

55 Motion to reconsider Resolution 04-096 – V Saunders, second – R Liechty

1 Vote:

2 Yea: R Eck, S Gomm, D Johnson, R Liechty, V Saunders

3 Nay: none

4 Abstained: none

5 Excused: none

- 6 • R Eck was not comfortable with the \$10 user fee. He felt the City should start lower.
- 7 • R Liechty had no problem with \$5 for all sports.

8 Motion to approve Resolution 04-096 with a \$5 fee – V Saunders, second – R Liechty

9 Vote:

10 Yea: R Eck, D Johnson, R Liechty, V Saunders

11 Nay: S Gomm

12 Abstained: none

13 Excused: none

14 V Saunders was excused at 7:50 p.m.

15 **Item No 4. Resolution 04-094. The Providence City Council will consider amending a resolution**
16 **approving an Interlocal Agreement with River Heights City for road salt.**

- 17 • V Keeslar explained there was some confusion with the amounts in the resolution adopted on
18 November 23. He reported D Barnes confirmed the amounts presented in tonight's amended
19 resolution were the correct charges.

20 Motion to approve Resolution 04-094 Amended – R Eck, second – D Johnson,

21 Vote:

22 Yea: R Eck, S Gomm, D Johnson, R Liechty

23 Nay: none

24 Abstained: none

25 Excused: V Saunders

26 **Item No. 5 Resolution 04-097. The Providence City Council will consider for adoption a resolution**
27 **amending the Providence City Personnel Policy Vacation Leave and Sick Leave.**

- 28 • V Keeslar explained the staff is recommending increasing the sick leave to be consistent with
29 other communities. V Keeslar also explained the staff is recommending the vacation carry over be
30 increased to reflect that of sick leave of 240 hrs.
- 31 • R Eck asked if the City was comfortable with the additional liability. V Keeslar felt increasing
32 vacation carry over to 240 hours was beneficial to the City and did not feel the additional liability
33 would be a problem.

34 Motion to approve 04-097 – D Johnson, second – S Gomm,

35 Vote:

36 Yea: R Eck, S Gomm, D Johnson, R Liechty

37 Nay: none

38 Abstained: none

39 Excused: V Saunders

40 **Item No. 6 Discussion. The Providence City Council will discuss a draft of the water conveyance**
41 **agreement between the City and Imagine Development.**

- 42 • V Keeslar explained this draft is for discussion only. It still needs legal review. V Keeslar
43 estimated this would be an action item on the January 11 council agenda.
- 44 • Mayor Leonhardt asked for a highlight of the changes. Rick Arnold explained the developers have
45 reviewed the agreement several times with City staff. The developers have incorporated the
46 staff's comments in the agreement.
- 47 • V Keeslar and Mark Cohen reviewed the changes in Point 1. Water Rights. V Keeslar explained
48 the developers and staff have looked at the needs of the development and the needs of the City. If
49 there are additional rights, after meeting the needs of the Development, the City has the option to
50 purchase. If there are additional rights after the City's purchase, the City has the option to
51 purchase at today's price for 15 years.
- 52 • Mark Cohen explained putting the rights in the City's name to facilitate the transfer process is a
53 huge good faith effort. He explained, according to state law, once the City acquires water, the
54 City cannot give it or sell it back to the developer.

- 1 • R Arnold explained this agreement does not give any vesting. The City’s ordinances and policies
2 still need to be followed.
- 3 • M Cohen explained the agreement does have a safeguard for their development. The City cannot
4 take the water, provide it to other developments and not have enough for this development.
- 5 • M Cohen reported V Keeslar has negotiated a very good price for the water rights.
- 6 • M Cohen explained transferring the water rights will be a joint effort. The City will be the
7 applicant with the developer paying the associated fees. The timeframe is affected by the fact that
8 the state representatives come to this area only twice a year. The state representatives were in this
9 area in November, so it will probably be May before they come to this area again. This will give
10 the City time to file the application for transfer and allow for protests to be heard in May.
- 11 • D Johnson did not feel the developer was giving the water, but trading the rights for the ability to
12 develop.
- 13 • D Johnson also expressed concern that if the pumps are working harder to service the additional
14 homes, the pumps may need to be lowered in the well. He felt impact fees could be used to cover
15 the costs. But, he was concerned about the recent problem River Heights City experienced when
16 putting their pumps deeper in the well.
- 17 • Mayor Leonhardt felt D Johnson’s concerns could happen now.
- 18 • V Keeslar explained the staff is projecting drilling another well within 10 years rather than
19 lowering the wells. V Keeslar explained the rights the City anticipates purchasing will give the
20 City an additional 140 ERCs. He explained this really brings to light the cost of development
21 when obtaining water.
- 22 • Mayor Leonhardt explained the City would need the water rights before they could consider
23 drilling another well.
- 24 • D Johnson felt the developers had made an excellent presentation.
- 25 • Mayor Leonhardt explained when he built his home 38 years ago, he didn’t have to dedicate water
26 shares to the City or pay a fee in lieu, as is required now. At that time there may have been some
27 that felt there was not enough water. But the City did what it needed to do to provide water and
28 improve the water system. It was not realistic to think the City could “shut the gates.” He felt the
29 City needed to be proactive in working with developers to obtain water rights and improve the
30 system.
- 31 • R Arnold explained the responsibilities of the developer and the City as described in 2.1 and 2.2.
32 He also explained the development is converting enough water for 500 homes. It is not an attempt
33 to build more than approved by the City. It is anticipated there will be some loss when the
34 conversion takes place; converting enough for 500 homes will ensure there is enough for the
35 anticipated development.
- 36 • V Keeslar explained what is reserved for the development is reduced if there is a loss when the
37 rights are converted. The City is purchasing based on the net after the conversion.
- 38 • D Johnson stated he felt very good about the draft. He was anxious to see the attorney’s review.
- 39 • V Keeslar reported Bruce Jorgensen anticipates having the review by the end of the year. He also
40 explained the developers are meeting regularly with City staff. V Keeslar explained D Barnes and
41 Max Pierce have the City’s best interest in mind. D Barnes has a great concern for the City. M
42 Cohen echoed V Keeslar’s comments.
- 43 • R Eck asked where the 457 acre feet came from. M Cohen explained it is part of the water rights
44 they purchased with the farm. The 457 acre feet is the amount being transferred for the
45 development and the City.
- 46 • V Keeslar again explained the City purchases on the net not the gross. The development is
47 keeping some for the property in Richmond and transferring enough to compensate for loss when
48 converted.

49 **Item No. 7. Discussion. The Providence City Council will discuss the designs submitted for the City**
50 **logo.**

51 The Council considered several designs submitted by various people. The Council preferred a design
52 submitted by Mike Jackson. Providence City underneath and outline of the northern part of Utah,
53 mountains, a star showing the location of the City, and a blue line indicating Spring Creek.

- 54 • R Eck suggested the using the star as the dot of the “i.”

- S Gomm liked the outline of Utah. The Council felt the mountains should be a little more prominent.
- V Keeslar will have Mike Jackson incorporate tonight's suggestions in the design.

Study Session (cont.)

Discussion Item

b. Winter road maintenance plan.

- R Eck felt it was important that the Council review the maintenance plan. He felt support of the Council was essential.
- V Keeslar explained the City took an idea from Logan City, in that they held a workshop with Public Works staff for suggestions on the plan.
- V Keeslar explained the staff is suggesting plowing curb to curb. R Eck explained part of maintaining the asphalt is plowing the entire width of the asphalt as winter maintenance.
- S Gomm strongly agreed the entire width of the asphalt should be plowed.
- R Eck explained if the City is hit with a hard storm, the travel portion will be plowed first. The entire width will be plowed as the storm allows.
- R Eck and V Keeslar explained it was very positive including the Public Works staff in the development of the plan.
- R Eck explained the hills are priority 1.
- V Keeslar reviewed the hours of plowing.
- R Eck expressed concern about one employee being alone in the early morning and late evening shifts. However, he understood the purpose.
- V Keeslar reviewed the proposal for cul-de-sacs. R Eck explained he does not like putting the snow in the middle. He prefers putting the snow around the parameter. However, it was not a big enough issue to hold up the maintenance plan.
- S Gomm suggested creating an interlocal agreement with River Heights City and the County to plow 300 East to the River Heights south boarder. V Keeslar suggested plowing to the road the River Heights elementary school is on. R Eck suggested the plows use the school turnaround rather than backing up.
- The Council did not feel the plan needed to be approved by resolution. They felt their input to the staff would be sufficient.
- R Liechty asked about residents that push their snow into the street and leave it. V Keeslar explained in addition to Code Compliance, Mike Jackson will be a fill-in for snowplowing. V Keeslar reported M Jackson is coming early to issue warnings for parking and snow removal violations. If the warnings are not heeded, then citations are issued.

Motion to adjourn – R Liechty, second – R Eck,

Vote:

<u>Yea:</u>	<u>R Eck, S Gomm, D Johnson, R Liechty</u>
<u>Nay:</u>	<u>none</u>
<u>Abstained:</u>	<u>none</u>
<u>Excused:</u>	<u>V Saunders</u>

The meeting adjourned at 9:10 p.m.

Minutes taken and prepared by S Bankhead.

Alma H. Leonhardt, Mayor

Skarlet Bankhead, City Recorder