

1 **PROVIDENCE CITY COUNCIL MINUTES**

2 **July 15, 2008**

3 **Providence City Office Building**

4 **15 South Main Providence, UT**

5

6 Call to order:	Mayor Simmons
7 Roll Call of City Council Members:	Mayor Simmons
8 Attendance:	R Liechty, J Russell, D Low, K Baker
9 Excused:	D Astle
10 Pledge of Allegiance:	K Baker

11  
12 **Approval of the minutes for June 24, 2008 City Council Meeting:**

13 Motion to approve the minutes from June 24, 2008: J Russell, R Liechty second  
14 Corrections: Public Comments line 21 – their daughter, line 33 – are, Capitalize Council in general, line 52 pg. 2 – get rid of  
15 for. Line 6 pg 5 – by, line 53 pg 6 – buy.

16  
17 All in favor with corrections.

18 Vote: Yea: R Liechty, D Low, J Russell, K Baker  
19 Nay: None  
20 Abstained: None  
21 Excused: D Astle

22  
23 **Public Comments:**

24 S Eames is concerned about the change in times for Planning Commission and City Council. She doesn't understand why the  
25 meetings were changed. There were no public notices to let the public know. Mayor Simmons apologized for the meeting  
26 change. L Campbell also apologized and said that the Commission wanted to make sure that all of the Commissioners were  
27 present because they would be voting on a new chair and vice chair. The Mayor said that we would be more careful about  
28 letting the public know when a meeting is cancelled.

29  
30 **Continued Business:**

31 **Item No. 1. Resolution 08-023:** The Providence City Council will consider for adoption a resolution approving Lease  
32 Agreement between Providence City and the State of Utah, Division of Facilities Construction and Management for space for  
33 use as an office for the Cache County Bookmobile Repository Office in the Cache County Library.

34 Motion to approve Resolution 08-023: J Russell, K Baker second  
35 The Mayor talked to D Astle and he is very happy with the results.  
36 R Liechty asked about wording that he would like changed.  
37 S Bankhead said that she would fix those changes.

38  
39 Vote: Yea: K Baker, J Russell, D Low, R Liechty  
40 Nay: None  
41 Abstained: None  
42 Excused: D Astle

43  
44 **Item No. 2. Resolution 08-031.** The Providence City Council will discuss supporting a request by Amsource to the Utah  
45 Department of Transportation for a Second access into the Amsource Development located at approximately 50 South  
46 Highway 165, which may also include a reclassification of the section of Highway 165 located in Providence City from  
47 approximately 50 north to 400 south.

48 Motion to approve Resolution 08-031: R Liechty, K Baker second  
49 C Peterson said he is here to gain support for this resolution. Amsource wants a productive, profitable development. The  
50 issue is the way SR 165 is functioning. Amsource needs more accesses. UDOT wants to move traffic. There are changes in  
51 our communities. The south boundaries in Providence City are becoming a commercial area. Amsource would like to provide  
52 access to the commercial area. We could move the access already there but that would be impossible to do. He has talked to  
53 L Perry and he would like the speed limit reduced. C Peterson believes that the traffic speeds are very high in that area. They  
54 want a traffic plan.

1 R Simmons said the resolution ask that the speed limit be reduced from 55 to 45. UDOT would need to request a system wide  
2 warrant...

3 C Peterson said before the 2<sup>nd</sup> access can be granted the category would need to be changed. An eventual revue of the  
4 systems warrant would need to be done. They need a reduction in the speed limit and look at the traffic management into  
5 Logan City. Horrock Engineering believes that these requests are warranted.

6 R Simmons asked if they were looking at getting the Council to agree to a 2<sup>nd</sup> access.

7 C Peterson said that they will request the 2<sup>nd</sup> access after the conditions in the corridor are changed.

8 R Simmons asked if the Council is unwilling to agree with the 2<sup>nd</sup> access, would Amsource still like them to agree to this  
9 resolution.

10 R Liechty asked if they approved this resolution would it put them in line to get the 2<sup>nd</sup> access.

11 C Peterson said the City needs the commercial development. We cannot sell the lots if we don't get the 2<sup>nd</sup> access. C-A-L  
12 Ranch and Les Schwab said they will not come here if we can't get the 2<sup>nd</sup> access.

13 M Coombs said that Les Schwab said that it is a UDOT problem not the City's.

14 D Low said they would come here but if there is a better option they will go there instead.

15 M Coombs said they want slower speeds and a direct access.

16 D Low said once Wal-Mart is filled they will come to Providence. If the access and speed limit aren't changed the businesses  
17 will still eventually come.

18 C Peterson said eventually they will come. If the demographics of the community will work for them they will take it.

19 D Low said that in Brigham City the Wal-Mart seems to be doing very well. You have to go to the light to get into Wal-Mart.  
20 There are ten businesses there.

21 C Peterson said he doesn't know what kind of choices they had. If I had excellent accesses on the same road or fewer  
22 accesses I would take the better accesses.

23 D Low said if you step back and look at the big picture, is it still a good thing for the community to slow down the traffic.

24 C Peterson said no managed access is a good thing. You would find a central location, minimize access points and maximize  
25 the ability to move freely. It keeps the traffic flowing into Logan.

26 J Russell said he is concerned about the 2<sup>nd</sup> access. You are creating a potential clutter point. He would like to see accident  
27 and citation numbers.

28 C Peterson agreed. He said what doesn't change is a reasonable level of assumption that accidents will be less frequent but  
29 more severe. There are traffic systems that you need. Access is a critical key. We are going to be in a very competitive  
30 environment with Logan city.

31 J Russell asked if we agree with this resolution do we agree with the 2<sup>nd</sup> access.

32 C Peterson said they will be requesting a 2<sup>nd</sup> access from UDOT and they would like to have the City behind them.

33 M Coombs said Providence is one of the lowest classifications. It goes higher the further South you go. For a development,  
34 access is the key. You are looking at a full mile at the 45 mph speed limit.

35 D Low said lets talk left turns. It is crazy. You have to close your eyes and go for it. If you drop it down to 45 and put a 2<sup>nd</sup>  
36 access in there it will be more dangerous.

37 J Russell said the reduction from 55 to 45 won't cause that much inconvenience to the commuter. His concern is the same as  
38 D Low and K Baker.

39 R Simmons said UDOT doesn't like right in and right out. Would that reduce your concerns about that access?

40 D Low said if it is done with a sign.

41 C Peterson said you do it with a barrier.

42 D Low asked if it is possible to build a thriving community without doing this. What else can we do? I would like to know  
43 about other communities that have dealt with this problem.

44 R Liechty said if we go in with you and lobby UDOT to change the classification, you can ask for a 2<sup>nd</sup> access. You don't  
45 have to ask the City for permission.

46 C Peterson said that UDOT doesn't have to grant it.

47 K Baker said she doesn't understand why we have to be part of the 2<sup>nd</sup> access.

48 R Liechty said we will not be part of it. They will not need our permission.

49 M Coombs said the accesses will be well managed. The speed limit is essential for this to work. These retailers thrive off of  
50 accesses and speed limits. This is what they look for. To make phase 2 work we need the City's support on these issues. In  
51 the future this road will change.

52 S Bankhead said the City talked with Les Schwab and they indicated that if we had a well managed access on 100 south they  
53 would be fine with that. The access management plan that we approved might not be a good choice for Providence. The  
54 citizens have asked for lower speed limits. Lt. Jensen is doing some traffic analyzes in front of Maceys. They are not issuing  
55 a lot of citations. That doesn't mean the current speed limit is good for Providence. The only controlled intersection in  
56 Providence is 100 north. S Bankhead did not think that the city should have 2 accesses into Maceys. Citizens have been  
57 asking for a reduction in speed for years. According to UDOT they will not entertain a 2<sup>nd</sup> access into Maceys.

1 D Low said what if we just talk about speed alone.  
2 K Baker said she likes the resolution; she doesn't want to be tied into the 2<sup>nd</sup> access.  
3 R Simmons said he is more concerned about the commercial zone on the west side of the road. He doesn't want to worry  
4 about the 2<sup>nd</sup> access; he wants the speed limit reduced.  
5 D Low asked why the speed limit is 55.  
6 C Peterson said that is the way it was designed.  
7 M Coombs said that is the way it was categorized.  
8 D Low asked who determines the categories of the roads.  
9 M Coombs said UDOT.  
10 R Simmons said D Dursch would do a speed study. If it is justified they will go through the process of lowering the speed  
11 limit. He is adamantly apposed to a 2<sup>nd</sup> access.  
12 D Low said if that is the way UDOT looks at it then why are you here.  
13 C Peterson said UDOT denied the first access but we have it.  
14 S Bankhead said to think where all the traffic would be going if the access wasn't there.  
15 D Low said the development would have gotten an access.  
16 M Coombs said traffic can come straight into the store.  
17 C Peterson said this is a very competitive market. Maceys has been beneficial to the City. He can't predict the future.  
18 R Liechty is willing to roll the dice on the 2<sup>nd</sup> access. To lower the traffic speed right there has been an issue forever. We  
19 don't know what is going to happen on the west side of the road. I would like the speed limit changed.  
20 J Russell said if we are granted the light on 300 south is the City responsible to put it in.  
21 R Simmons said that road is a State road. There is no cost to the City if UDOT wants the light.  
22 S Bankhead said she doesn't know if it will cost the City or not.  
23 C Peterson said UDOT is responsible for 100% of the improvements. Cities participate if they choose to.  
24 This does not create an obligation to the City.  
25 K Baker said she is fine with this.  
26 D Low asked if the only way to influence UDOT on this is to vote on all the things presented.  
27 R Simmons asked if the Council wants the light without the speed limit change. They did the study and we didn't meet on  
28 any of the warrants. You have to do a system wide change.  
29 M Coombs said if the light was in, 55 mph would be too fast.  
30 D Low said we need a light and the speed limit reduction.  
31 C Peterson said it is illogical to ask for the light without the speed limit. It is a good thing to request both.

32  
33 Vote: Yea: K Baker, R Liechty, R Simmons  
34 Nay: D Low, J Russell  
35 Abstained: None  
36 Excused: D Astle

37  
38 **NEW BUSINESS:**

39 **Item No. 1. Resolution 08-029:** The Providence City Council will consider for adoption a resolution approving changes to  
40 the Providence City Fee Schedule for labor and equipment reimbursement.

41 Motion to approve Resolution 08-029: R Liechty, K Baker second

42 R Eck said this is to compensate for fuel. We need to compensate the City for things. On occasion we need to do things for  
43 the citizens and developers.

44 J Russell asked about burial fees. How long does it take to bury someone with the backhoe? How much fuel does it use?

45 R Eck said about 2 hours and about a gallon of fuel.

46 R Simmons said D Astle felt the fee for the backhoe was too low. He felt about \$75 hr.

47 R Eck said he called the rental company and they gave him the amount.

48 J Russell asked S Eames if the City helped her out on the water leak.

49 S Eames said it was the irrigation line that leaked.

50 S Bankhead said it would have been dumb to cover up the problem after they realized it wasn't the cities problem.

51 R Eck said sometimes there is a problem that the city needs to take care of. When we know who made the problem we charge  
52 them. It is not our place to make money. We have labor, materials and equipment.

53  
54 Vote: Yea: K Baker, D Low, J Russell, R Liechty  
55 Nay: None  
56 Abstained: None  
57 Excused: D Astle

1 **Item No. 2. Resolution 08-030:** The Providence City Council will consider for adoption a resolution approving updates to  
2 the Providence City Department of Public Works Standards and Specifications Manual.

3 Motion to approve Resolution 08-030 with the index of drawings and the drawings attached in the packet presented at the  
4 City Council meeting: K Baker, R Liechty second

5 R Eck said the spec book is a rule book. It was re-written 2 years ago and condensed. Most cities have their own spec book.  
6 Every contractor that comes into Providence needs a spec book. It gives them all the rules that they need to abide by. It  
7 covers all aspects of construction. There are still things that staff needs to update. These are the changes that we would like  
8 the Council to approve. This makes it easier and clearer to make things work with the contractors. We need to republish and  
9 we would like to make these changes before we do that. These changes are what we have come up with in the last year. You  
10 have the changes in your handout. There are a couple of verbiage changes.

11 R Liechty asks about verbiage. Would like it changed from may to shall.

12 R Eck said he would prefer may. It leaves staff the option to let it go.

13 R Liechty said he doesn't like it. If the staff misses it we have no way to make contractors fix it.

14 R Liechty would like to make a motion to change may to shall.

15 D Low said there is some wisdom in trusting the contractors to make the right decision.

16 R Eck said a contractor does something wrong on July 3<sup>rd</sup>, it is unintentional but I have to shut him down because he is on a  
17 busy road. If I have the option to maybe shut him down, that makes more sense.

18 R Liechty asked if R Eck is always there to make the call. What if a city employee doesn't see the mistake and lets it go. If  
19 we don't shut him down then we can't.

20 S Bankhead said R Liechty's concern is the staff's also. When a contractor doesn't do something right and the City tells them  
21 to fix it, they turn it around on the City. Due diligence has to come from staff so that the contractor doesn't go so far on point.

22 R Eck said the first two paragraphs make it so we don't get the the 3<sup>rd</sup> paragraph. These check and balances were not here  
23 before. If the first two paragraphs are enforced then number 3 doesn't happen.

24 J Russell said if you let a contractor go, it is an arbitrary choice to allow them to continue on. He is concerned about how this  
25 looks for the City.

26 D Low said that is the price of leadership.

27 R Eck said he is not perfect nor are his employees.

28  
29 All in favor of changing May to Shall.

30 Vote: Yea: K Baker, R Liechty

31 Nay: D Low, J Russell, R Simmons

32 Abstained: None

33 Excused: D Astle

34  
35 All in favor of going back to the original motion –

36 Vote: Yea: D Low, J Russell, R Simmons

37 Nay: K Baker, R Liechty

38 Abstained: None

39 Excused: D Astle

40  
41 **Item No. 3. Discussion:** The Providence City Council will discuss changing the requirements for minor subdivision.

42 K Baker would like to change the minor subdivision from 2 lots to 5 lots.

43 S Bankhead said the State Code allows that we don't have to plat it. (Exceptions from plat requirements.)

44 Major subdivisions fall into the category of roads, sewers. The minute you change from 2 lots to 3 lots you are a major  
45 subdivision. They are required to put in additional amounts of roads. If you are looking at in fill projects, is it enough impact  
46 to build a road. It is only for the frontage of the subdivision. Let's talk about areas we are retrofitting instead of new growth.  
47 Where we are retrofitting like along 400 east, it started out as a major subdivision. Maybe they don't have to meet the road  
48 requirements. If the city decides the road should be wider then they would be responsible for the changes.

49 K Baker said in order to save old town we shouldn't make people who want to split off a lot for their children make all these  
50 changes.

51 R Liechty said why make it 5 lots.

52 R Simmons said the discretion side becomes messy. If you restrict it to old town Providence, you do away with the setback  
53 requirements. It is part of preserving old town Providence.

54 R Eck said a major subdivision has to put in sewer.

55 R Simmons asked if there is a street in old Providence where there is no sewer.

56 K Baker said her property on 100 south has no sewer, but it does have access to it.

57 R Simmons ask the Council if they wanted the staff to come back with suggestions for this ordinance.

1 K Baker said yes.

2 M Campbell owns 2 acres. I don't think it is a problem. How many other pieces of property are there that this would affect.

3 K Baker said it seems we are punishing the old town residents. 5 lots seems a good number.

4 J Russell asked how this would affect the inner block development.

5 R Liechty said it wouldn't.

6 R Simmons said you can do the overlay anywhere you want. Survey the town and decide where you want it.

7 R Simmons said the Council would like to direct the staff to develop some ideas.

8  
9 **STAFF REPORTS:**

10 S Bankhead said August 9<sup>th</sup> we are trying something new and fun for Providence. We are trying to outreach to all types of  
11 people thru recreation. We are doing an Art in the Park. We would like people to come and display their artwork. They can  
12 put up a display and sell their wares if they would like.

13 Our baseball season is almost over with. We had very successful tournaments for rookies. Majors and minors will have their  
14 tournaments in the next couple of weeks. It has been a reasonably successful year for baseball. 4x4 soccer and kickball  
15 registration is underway. On the staff side Brenda Nelson is retiring at the end of August. She would like to continue on as  
16 the Historic Preservation Secretary. The Mayor will have a name for her replacement on August 12<sup>th</sup>. The Truth in Taxation  
17 hearing will be on August 12<sup>th</sup>. Our audit is scheduled for the last part of September. ULCT Conference is in September.

18 R Eck said oil prices were \$53 a ton. Went up \$9 overnight. The Council approved an inter-local agreement for chip sealing.  
19 We will not get chip seal this year. There is no oil. We will spend the money on other road improvements. The Brookside  
20 Park is moving right along. Hampshire Park is moving along. When you meet for the Truth & Taxation hearing I would ask  
21 that you give the money coming in from the school district on the sidewalk in front of the school back to Public Works for  
22 more sidewalks.

23  
24 **COUNCIL REPORTS:**

25 R Liechty said he has been talking to the Assisted Living Group that owns the facility, it is a PUD. They have told the  
26 citizens that the road, etc. is theirs to take care of. They want to know if the City will take it over. They would like a manager  
27 to run the place. The City would be too expensive for them. He suggested that they get with D Barnes to manage it for them.  
28 They are working together to see if D Barnes will do this for them.

29 J Russell asked if S Bankhead would report on the meeting with Chief Meeker.

30 S Bankhead said herself; J Russell, T Lewis, Chief Meeker and Brady Hansen met behind the storage units to see if that  
31 would work for their fire station. Chief Meeker thought that this was a good place for it. Some of the lawn of the Alma  
32 Leonhardt Park would have to be changed. M Pierce is looking into the access. We need to find out how we can have 25 feet  
33 of ROW open at all times. That is the trick right now.

34 J Russell said he spoke with some of the people in the condominiums and they are quite excited about it.

35 S Bankhead said Brady Hansen does a thing called Bradyville. He builds a community and then shows how it works.

36 S Bankhead said she and R Eck are working with the County in updating the pre-mitigation plan. If we don't participate in  
37 the plan we can't qualify for FEMA aid.

38 R Simmons said it has been a while since we have talked about our benefits packages. D Astle and J Russell will get some  
39 information from S Bankhead and bring it to the Council. On the new Treasurer we are looking at absorbing the position.

40 The Mayors made a recommendation to the County Council on how to spend the sales tax money for the transportation  
41 issues. At the next meeting the Councils of governments will have a bond counselor come talk to them about spending the  
42 money. The highest scoring project was the Logan 100 East to Gateway Drive project. It was approved but it wasn't enough.  
43 It was short about 3.4 million. The Mayor's thought that Logan had enough money to do the whole project so they  
44 reconsidered and it will be continued until the next meeting. Providence City needs approximately \$400,000. We don't have  
45 that kind of money. There is no way we can come up with that kind of money. If they don't allocate the \$2 million the road  
46 will stop at Gateway Drive. There will be a meeting with Mayor Watts and his people to decide what happens if we don't get  
47 the 2 million, or what happens if we do. Is there a way to allocate the 2 million to finish the road? The Mayor asked the  
48 Council to tell him if they agree that we don't have the \$400,000 to finish the road.

49 K Baker said Providence City cannot afford the additional money to finish the road. We need to write them a letter to that  
50 effect.

51 Everyone agrees with K Baker. The Mayor will take that message to the meeting tomorrow.

52  
53 Motion to go into Executive Session – R Liechty, J Russell second.

1 Motion to be adjourned: R Liechty, K Baker second  
2 Vote: Yea: R Liechty, K Baker, D Low, J Russell  
3 Nay: None  
4 Abstained: None  
5 Excused: D Astle  
6

7 Meeting adjourned at 9:20 p.m.  
8 Minutes taken and prepared by Terri Lewis  
9

10  
11  
12  
13  
14  
15

---

Randy Simmons, Mayor

---

Skarlet Bankhead, City Recorder