

1 **Providence City Council Meeting**
2 **Providence City Office Building**
3 **15 South Main, Providence UT**
4 **Tuesday, August 09, 2005 5:30 p.m.**

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

9 **The Providence City Council will hold a study session at 5:30 p.m. in the City Council**
10 **Chambers. This session will be open to the public; however no public comment will be**
11 **heard and no action will be taken on agenda items.**

12 Sauerkraut Days:

- 13 • Mayor Leonhardt reported he spoke with Kyle Stevens, Utah Department of
14 Agriculture and Food. K Stevens stated the Department would consider releasing the
15 hold order on the sauerkraut, if the City’s insuring agency is willing to accept the
16 responsibility.
- 17 • Mayor Leonhardt reported he spoke with Luwana Anderson from the Franklin
18 County Cannery. She was concern the City was selling the canned sauerkraut as part
19 of the dinner tickets. Mayor Leonhardt told L Anderson the City does not use the
20 canned sauerkraut at the dinner; the City keeps a separate barrel that is not canned for
21 the dinner and the snack stand.
- 22 • V Saunders explained he has worked with K Stevens and is willing to talk with him.
- 23 • Mayor Leonhardt will contact Bruce Jorgensen, City Attorney, and follow up with K
24 Stevens.

25 The Council held a discussion on Providence City Code Title 3 – Business License
26 Regulations:

- 27 • S Gomm asked why businesses of service were not included in the definitions. She
28 felt businesses of service, such as a piano teacher, could have a significant impact on
29 the neighborhood.
- 30 • V Saunders wanted to protect the hobby businesses. He felt the key was “purpose of
31 gain or economic profit”.
- 32 • S Gomm questioned the definition of neighbor. Is it next door, across the street,
33 around the block, and how many neighbors should be notified by the applicant?
- 34 • S Gomm did not agree with the joint business license.
- 35 • S Gomm felt a statement of off-street parking should be included.
- 36 • S Gomm felt 4 employees were too many for a home business, when vehicle and
37 parking were considered. V Saunders felt there was a difference between a business
38 that only had employee traffic and a business that had employee and customer
39 traffic.
- 40 • S Gomm felt anyone doing business for profit, including services, should have a
41 business license.
- 42 • V Saunders wondered about establishing economic levels to define a business.
- 43 • S Gomm did not want to come down on home business, but would like to regulate
44 better.
- 45 • V Saunders would like to separate a hobby from a professional business. He felt an
46 economic standard could be used to define when a hobby changed to a business.
- 47 • D Johnson explained he had to be licensed to be a subcontractor. V Saunders felt
48 that if a professional license is required, then it would be a business.

- 1 • V Saunders suggested a hobby be considered a business when the income reached
- 2 \$5,000 per year.
- 3 • S Gomm felt impact on the community needed to be considered. If there are many
- 4 people at the home, there is a problem with traffic.
- 5 • R Liechty felt the big issue was parking. D Johnson felt many piano lessons were
- 6 drop off and pick up. S Gomm explained some wait for the student.
- 7 • S Gomm did not have many issues with the commercial businesses; but did have
- 8 concerns about the home businesses.
- 9 • The \$10 and \$25 fees were discussed. D Johnson reported the last time he obtained
- 10 a business license in Logan, the fee was \$20 for a year.
- 11 • R Liechty reported his boot business license fee in Logan City is \$50.
- 12 • Staff will review the concerns and prepare some proposals.

13 Braegger Park – the Council reviewed the 1989 Resolution 89-20 accepting a neighborhood
14 park as a donation from Edgewood Partnership:

- 15 • V Saunders stated whenever someone gives a gift and receives a tax deduction they
- 16 forfeit all control or they must forfeit the deduction with interest for each year they
- 17 control the gift.
- 18 • S Gomm explained the agreement transfers the property to Providence City.
- 19 • R Liechty felt to maintain the property, a fence should be installed.
- 20 • V Saunders felt Bruce Jorgensen should review the Agreement. The Council agreed.

21 Second driveway:

- 22 • V Saunders explained the owner of the home at 550 Canyon Road would like a
- 23 second access which would enter 500 East in addition to the current access onto
- 24 Canyon Road. He explained the current City Code does not address second
- 25 driveways.
- 26 • D Johnson asked if the City can regulate a second access. V Saunders explained the
- 27 City can regulate the second access if the ordinance is properly written.
- 28 • S Gomm did not have a problem with a corner lot accessing each street.
- 29 • Mayor Leonhardt felt the discussion occurred out of concern of a second driveway
- 30 for an accessory dwelling.
- 31 • S Gomm asked if the rule would be all or none.
- 32 • V Saunders asked if a large driveway counts as one or two. The Council said one. V
- 33 Saunders asked if an extension to the driveway that does not create a second road cut
- 34 is a second driveway. The Council felt the second cut was the concern.
- 35 • R Liechty was not opposed to second driveways for accessory dwellings, if they kept
- 36 cars off the road.
- 37 • Mayor Leonhardt did not want to step on toes if the City did not need to.
- 38 • S Gomm felt the need for a second driveway should be justified. Justified reasons
- 39 could be RV pad or access to back yard.
- 40 • V Saunders felt if someone had to justify the need for a second access, they may
- 41 think twice, which was a good thing.
- 42 • The Council also felt R Eck was worried about additional access points onto a busy
- 43 road.
- 44 • D Johnson felt if the City put a control on accessory dwellings, it would put a control
- 45 on second driveways.
- 46 • Mayor Leonhardt felt the main purpose should be to limit access on the streets.

1 • S Gomm felt by requiring approval of secondary driveways, the City would find out
2 if there was a problem.

3 • Staff will put an ordinance together based on the concerns discussed by the Council.

4 100 East speed:

5 • Mayor Leonhardt felt there were many roads that have more traffic and speed than
6 100 East.

7 • V Saunders explained a stop sign may be a solution; but felt many people would run
8 the stop sign. Mayor Leonhardt reported stop signs should not be used to control
9 speed.

10 • R Liechty suggested a 4-way stop sign at 200 South and 100 East.

11 • V Saunders felt the street should be left alone.

12 • S Gomm felt defining the road as a feeder or a collector would help.

13 • V Saunders asked if impact fees could be used for a traffic study for master planning.
14 S Bankhead felt the streets would be assessed as part of the impact fee study for
15 transportation.

16 Step and Grade:

17 • S Bankhead reported she met with R Liechty, S Gomm, employees – Mike Jackson
18 and Shane Hansen, and city resident Dave Warnik to discuss the step and grade
19 policy.

20 • During the discussion both M Jackson and S Hansen felt the entire increase should be
21 based on merit, with 0 to 5% available; no cost of living increase would be given.

22 • V Saunders would like to see a fair system. But rewards those that work, not those
23 that slide. S Gomm and R Liechty reported the committee felt the same way.

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

26 **Pledge:** Michael Swink and Shawn Campbell, BSA Troup 85

27 **Opening:** Vic Saunders

28 **Minutes:**

29 Motion to approve the minutes of July 26, 2005 and August 2, 2005 – D Johnson, second – R
30 Liechty,

31 Corrections:

32 • None

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

34 Nay: None

35 Abstained: None

36 Excused: R Eck

37 **Item No. 1 Resolution 05-033. The Providence City Council will consider for adoption a**
38 **resolution appointing Skarlet Bankhead as the City Administrator.**

39 Motion to approve Resolution 05-033 – V Saunders, second – R Liechty,

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

41 Nay: None

42 Abstained: None

43 Excused: R Eck

44 **Item No. 2. Resolution 05-034. The Providence City Council will consider for adoption**
45 **a resolution appointing John Mock to fill the Planning Commission seat vacated by**
46 **Mark Malmstrom.**

47 Motion to approve Resolution 05-034 – D Johnson, second – S Gomm,

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

1 Nay: None
2 Abstained: None
3 Excused: R Eck

4 **Item No. 3. Resolution 05-032. The Providence City Council will consider for adoption**
5 **a resolution approving a final plat for Berry Subdivision, a residential subdivision**
6 **containing two lots, located generally at 105 East 200 North.**

- 7 • Condition No. 4 was clarified to read “water and sewer are required in lot two – must
8 be put in by the developer.”

9 Motion to approve Resolution 05-032 – R Liechty, second- V Saunders.

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

11 Nay: None
12 Abstained: None
13 Excused: R Eck

14 **Item No. 4. Resolution 05-026. The Providence City Council will consider for adoption**
15 **a resolution approving a preliminary plat for Eagleview Estates Phase II Subdivision, a**
16 **residential subdivision containing eight lots, located generally at Eagleview Drive and**
17 **Sherwood Drive.**

18 Dan Turner represented the Development.

- 19 • Mayor Leonhardt reported this was tabled for clarification of the 5,000 foot elevation
20 and the power lines.
- 21 • D Johnson and Dan Turner explained there are some parts of lots that are above 5,000
22 feet.
- 23 • D Turner explained UP&L is saying as long as the home is out of their designated
24 area, homes can be allowed near power lines. D Turner explained as long as UP&L
25 has their easement and access to maintain the lines, they agree to the subdivision. D
26 Turner explained the setback lines allow for the UP&L designated area.
- 27 • V Saunders expressed concern that the lines may collapse and homeowners will hold
28 the City responsible. He has a strong concern about power lines over houses. He felt
29 many cities everywhere, have designated corridors for the lines; and they are not
30 through subdivisions.
- 31 • Bruce Jorgensen, City Attorney, explained the North Logan power lines are in front
32 of the home, near the street.
- 33 • V Saunders felt the minimum standard did not always equate to safety.
- 34 • D Turner explained the exact question he asked UP&L was “would you be opposed
35 to homes being built on the lots.”
- 36 • D Turner explained Eagles Nest contains lots with power lines running through the
37 rear yard.
- 38 • D Johnson asked if financially the lines could be buried. D Turner explained there
39 are ways to get shared cost; for the most part it would be the developer’s
40 responsibility.
- 41 • D Turner explained there is a risk with buried lines. D Turner explained he would
42 not personally purchase a home near power lines; but some people will.
- 43 • V Saunders did not feel approving a subdivision under high voltage lines was doing
44 the right thing for people. D Turner understood the objection, but felt if the Council
45 felt that strongly, it should be included in the ordinance.
- 46 • R Liechty felt the safety and welfare had to be considered above the ordinances.
- 47 • Bruce Jorgensen explained the 1978 Agreement was an annexation agreement that
48 was signed and executed by the City Council. In paragraph 4 B 1 the agreement

- 1 discussed the park land; however the description on the deed and the description in
 2 the agreement are different. In paragraph 4 B 2 there are eight parcels of ground
 3 described. It is quite clear the 27 water shares and the park ground would be
 4 sufficient for all property described in the agreement. The agreement is binding.
- 5 • B Jorgensen explained the Western Equities Case has now been codified in the new
 6 land use code. The applicant is entitled to approval unless there is a change in
 7 progress, or if there is a serious problem that needs to be addressed. He explained in
 8 North Logan the health risk argument has had arguments on both sides.
 - 9 • V Saunders explained his concern is when something happens to cause the wires to
 10 break. He felt building a home under a high voltage line is a whole new safety issue.
 - 11 • B Jorgensen felt before making the decision, the Council would need professional
 12 input to determine if this is a legitimate, urgent, public concern.
 - 13 • S Gomm felt if the Council feels strongly about this issue, it should be included in the
 14 ordinances.
 - 15 • D Turner explained from the Developer's point of view, the question of acceptable
 16 risk needed to be considered. He explained natural things happen that can't be
 17 avoided, but there should be some percentage for a guideline.
 - 18 • B Jorgensen explained the issue of the annexing agreement being binding was
 19 decided in the Vallievew case. Judge Low stated the agreement held. B Jorgensen
 20 explained the transfer is clear. He felt looking back the amount was not very much,
 21 for the benefit; but in 1978 it satisfied the need. B Jorgensen explained the agreement
 22 says it satisfies water shares and park fees for the described ground. B Jorgensen
 23 explained the descriptions need to be verified. If this development is included in one
 24 of the eight parcels, then it falls under the agreement.

25 Motion to table for no longer than two months to find out if the property is included in the
 26 annexation agreement, and to get professional opinions on the power lines – R Liechty,
 27 second – V Saunders,

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

29 Nay: None

30 Abstained: None

31 Excused: R Eck

- 32 • S Gomm requested a power line ordinance. D Turner suggested working with Steve
 33 Rush from UP&L.

34 **Item No. 5. Resolution 05-029. The Providence City Council will consider for adoption a**
 35 **resolution approving a preliminary plat for The Cove Subdivision, a residential**
 36 **subdivision containing 28 lots, located generally at Canyon Road and Grandview Drive.**

37 Dan Turner represented the Development.

- 38 • Mayor Leonhardt asked if the access issue had been resolved. D Turner explained
 39 the survey is complete; but the documentation is not available. D Turner explained
 40 there are a number of right-of-ways of various widths that run through the front of the
 41 parcel. If the City exercises the 66 foot right-of-way, the triangle is diminished, and
 42 the frontage would be available.
- 43 • D Turner explained the definition of a right-of-way is also an issue.
- 44 • V Saunders explained he is not entirely happy with accessing Grandview. He felt the
 45 street was somewhat blind. He felt it would be better with Canyon Road as the only
 46 access. D Turner explained the road is designed at 12%.
- 47 • D Johnson felt there were too many homes for a cul-de-sac. V Saunders would like
 48 to see a loop.

1 Motion to table until August 23 to allow time for the right-of-way clarification – V Saunders,
2 second – R Liechty

- 3 • D Turner explained the plat will be ready within a week. He reported the Developer
- 4 is willing to work with the Tanaka property. Hopefully there can be some kind of an
- 5 agreement, but the plan fits the ordinance.
- 6 • D Johnson did not mind the Grandview access, as long as it provides a safe view.
- 7 • D Turner explained if the Canyon Road access cannot be obtained, the plan can be
- 8 designed that meet the current ordinances with the only access coming off of
- 9 Grandview.

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

11 Nay: None

12 Abstained: None

13 Excused: R Eck

14 **Item No. 6. Ordinance Modification 011-2005. The Providence City Council will**
15 **consider for adoption an ordinance establishing a temporary zoning regulation**
16 **prohibiting the application for or approval of innerblock development for a period not**
17 **to exceed six (6) months.**

18 Motion to approve Ordinance Modification 011-2005 – V Saunders, second – S Gomm

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

20 Nay: None

21 Abstained: None

22 Excused: R Eck

23 Council Reports:

24 Council Member Deon Johnson:

25 Water Concerns:

- 26 • D Johnson reported City representatives had a very productive meeting with Spring
- 27 Creek Irrigation Co. representatives. Currently the City is taking more water than
- 28 allowed, however it is the water that is going over the overflow. The problem comes
- 29 in that if the wells are not used, the City may lose the ability to get the maximum
- 30 rights. The Irrigation Company has agreed to update the water schedule. D Johnson
- 31 also recommended the water master plan be revised.
- 32 • V Saunders felt looking at the history of using Irrigation water and well water for a
- 33 period of 10 years would be helpful in proving beneficial use.
- 34 • R Liechty felt the use problem would occur if the wells were quantified. The City's
- 35 wells have yet to be quantified. They have been certified.
- 36 • V Saunders also felt the City needed to be concerned about non-use. Mayor
- 37 Leonhardt explained the Wasatch Front can file a claim on un-used water, but not the
- 38 City's shares.
- 39 • V Saunders felt the wells should be run periodically to show the wells are in use.
- 40 • D Johnson explained the Logan City's 12" sewer line, where the 100 North line
- 41 empties in, is near maximum at peak times. He felt this could be an issue to consider
- 42 when issuing building permits. He explained the 100 South line will be a very
- 43 important extension. He also explained the City has enough in impact fees to pay for
- 44 the extension. V Saunders felt the 100 South residents would be willing to work with
- 45 the City on the sewer line; their problem is with the road.
- 46 • Mayor Leonhardt explained there are three major sewer lines that feed into Logan's
- 47 system.
- 48 • V Saunders felt a meeting with the 100 South residents would be productive.

1 • Clint Thompson reported he is still waiting for some information from the City
2 regarding water use. C Thompson reported the overflow is filed on by UP&L. C
3 Thompson did not feel Providence City had an agreement to use the excess water. C
4 Thompson explained the City is entitled to 1.5 second feet and is using 5 second feet.

5 Pineview Subdivision:

6 • D Johnson explained the sidewalk is 20 feet short on one side and 12 feet short on
7 the other.

8 Council Member Vic Saunders:

9 CERT

10 • V Saunders will be meeting with Paul Matsayama and CERT representatives on
11 Thursday, August 11.

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

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

14 Nay: None

15 Abstained: None

16 Excused: R Eck

17 Meeting adjourned at 8:15 p.m.

18

19 Minutes taken and prepared by S Bankhead.

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Alma H. Leonhardt, Mayor

Skarlet Bankhead, City Recorder