

1 **PROVIDENCE CITY COUNCIL MINUTES**

2 **November 8, 2011**

3 **Providence City Office Building**

4 **15 South Main Providence, UT**

5
6 Call to Order: Mayor Liechty
7 Roll Call of City Council Members: Mayor Liechty
8 Attendance: D Astle, B Bagley, D Calderwood, J Russell, D Low
9 Excused:
10 Pledge of Allegiance: Mayor Liechty
11 Motivational Thought: Mayor Liechty

12
13 **APPROVAL OF THE MINUTES:**

14 The Providence City Council will approve the minutes from October 25, 2011.

15 **Motion to approve the minutes: J Russell, D Calderwood second**

16 Page 2 – line 9 – will be destroyed during the construction
17 Line 17-18 put in why the low bid was rejected, whether he would stand by his bid
18 Line 19 – strike entire line
19 Page 1 – Line 41 through 44 – more information about each individual
20 Page 2 – Line 39 – for 2012/2013 health proposals
21 **Vote: Yea: B Bagley, D Astle, D Calderwood, J Russell, D Low**
22 **Nay: None**
23 **Abstain: None**
24 **Excused: None**

25
26 **PUBLIC COMMENTS:**

27 Jack Nixon the developer for Eagle View talked to the Council about a turn-a-round on Eagle View Drive that he is being
28 required to asphalt. He doesn't feel like he should be required to do this. It is 120 foot cul-de-sac that is just used for a turn-a-
29 round. He has stubbed 3 roads for the City that isn't being used. He doesn't think the City is being fair requiring him to do
30 this.

31
32 **PUBLIC HEARING 6:15 pm:** The Providence City Council will hold a public hearing to provide an opportunity for any
33 person to speak and submit documents regarding a disconnection proposal requested by CA Fullmer Family LLC. The
34 proposal requests that an approximately 1.61 acre interior parcel, located approximately 451 feet west of SR165 and 70 feet
35 south of 1200 South (Logan), be disconnected from Providence City.

36 **Motion to open the public hearing: D Astle, B Bagley second**
37 **Vote: Yea: D Astle, B Bagley, D Calderwood, D Low, J Russell**
38 **Nay: None**
39 **Abstain: None**
40 **Excused: None**

41 S Bankhead told the Council that the City received a proposal from Attorney Brian Cannell for CA Fullmer Family LLC. She
42 explained the history of this property. They are asking to disconnect not a boundary line adjustment.
43 B Cannell said the utilities, access and frontage are not easily gotten to. The disconnection was asked for after the boundary
44 line adjustment was turned down. If the Council denies the request it will be taken to District Court. He explained what
45 information would be required if this goes to District Court.
46 J Russell asked what the difference between a disconnect vs. a boundary line adjustment.
47 B Cannell said a disconnect comes out of Providence into unincorporated land and can then be annexed into another entity.
48 D Calderwood asked if utilities were brought into the property by Providence City would that be enough.
49 B Cannell said that would depend. The preference is to develop with in one entity.
50 B Cannell said C Fullmer owns connecting property that is already in Logan City.
51 B Bagley asked if Logan City has already agreed to annex this property if Providence City lets it go.
52 B Cannell said yes they have agreed.
53 D Low asked if there is any historical legal precedence of cities disconnecting.
54 B Cannell said where the municipality can't provide the utilities it is fairly common.
55 J Russell asked if there was a discussion with Logan City to disconnect this property.
56 C Fullmer said there hasn't been any discussion between Providence City and Logan.

1 D Astle asked who owns the rectangular piece of property directly south of C Fullmer's property.
2 C Fullmer said that is Watkins Printing. They own property west and south of C Fullmer's property.
3 D Astle asked if sewer and water were already at this property.

4 C Fullmer said it is already done by Logan City.
5 **Motion to close the public hearing: J Russell, D Astle second**

6 **Vote: Yea: D Astle, B Bagley, D Calderwood, D Low, J Russell**
7 **Nay: None**
8 **Abstain: None**
9 **Excused: None**

10
11 **BUSINESS ITEMS:**

12 **Item No. 1. Discussion: Ordinance No. 009-2011:** The Providence City Council will discuss an ordinance disconnecting an
13 approximately 1.61 acre interior parcel, located approximately 451 feet west of SR165 and 70 feet south of 1200 South
14 (Logan). Requested by CA Fullmer Family LLC.

15 B Bagley said there was never a contact made with Logan City concerning services.

16 S Bankhead said C Fullmer asked for a boundary line adjustment. Providence City asked Logan City to make a trade and that
17 didn't go anywhere. C Fullmer told the City that he did not want to develop in Providence.

18 B Bagley said this concerns more than this piece of property.

19 Craig Call said there is nothing in the statute that requires the City to provide utilities at this time. C Fullmer has to prove that
20 the County has to be able to provide utilities.

21 B Cannell said the inter-local agreement between the County and Logan City would provide utilities.

22 D Astle said Providence City could enter into an inter-local agreement with Logan City.

23 C Call said the Council has 45 days to make a decision on this. This is just a back door way for a boundary line adjustment.
24 You can solve this whole thing by agreeing to this. The court basically looks at what is the logical thing to do, what is fair
25 and equitable for both parties.

26
27 **Item No. 2. Resolution 11-035:** The Providence City Council will consider for adoption a resolution appointing Chalene
28 McGrath and Howard Christensen to the Historic Preservation Commission.

29 **Motion to approve: J Russell, D Astle second**

30 R Liechty and S Bankhead visited with both of these people and feel like they would be a great asset to the Commission.

31 C McGrath has lived in Providence for 8 years. She is originally from Georgia. She has a degree in Childhood Development
32 and has taught pre-school in her home. She is excited about the history of Providence and would like to get the youth
33 involved.

34 D Astle said one of the criteria for the Commission is education.

35 R Liechty thanked her for her willingness to serve.

36 H Christensen has lived in Providence for about 10 years. He married a Providence girl and lives in the house she was born
37 in. He was raised in Gunnison, UT. He is retired from Lockheed Aircraft. He joined the Air Force during the Viet Nam War.
38 He graduated from USU in aeronautics.

39 R Liechty feels like he would be a real addition to the Commission.

40 **Vote: Yea: D Astle, B Bagley, D Calderwood, J Russell, D Low**

41 **Nay: None**

42 **Abstain: None**

43 **Excused: None**

44
45 **Item No. 3. Resolution No. 11-036:** The Providence City Council will consider for adoption a resolution appointing an
46 alternate member to the Planning Commission.

47 S Bankhead requested that this be moved to a future meeting.

48
49 **Item No. 4. Ordinance No. 010-2011:** The Providence City Council will consider for adoption an ordinance amending
50 Providence City Code Title 2 Chapter 1 Planning Commission as follows:

51 The terms of office for all members of the Planning Commission shall be three (3) years and until their successors
52 are appointed and qualified except where appointment to a shorter term is necessary to provide for staggered terms
53 among Commission Members. Members may be removed with or without cause by a majority vote of the City
54 Council. Members may be appointed to serve an additional term; however, no member may serve more than two
55 continuous terms.

56 **Motion to approve with the changes: B Bagley, D Astle second**

57 B Bagley suggested new verbiage. "On recommendation of the Mayor and by majority vote of the City Council, Standing
58 members may be appointed to serve an additional term; however, no member may serve more than two consecutive terms.

1 J Russell asked how the first alternate is decided if they are appointed on the same day.

2 D Astle said that should be up to the Commission Chairman.

3 **Vote: Yea: D Astle, B Bagley, D Calderwood, J Russell, D Low**

4 **Nay: None**

5 **Abstain: None**

6 **Excused: None**

7
8 **Item No. 5. Ordinance No. 011-2011:** The Providence City Council will consider for adoption an ordinance amending
9 Providence City Code Title 6 Chapter 2 Parking Regulations changing the definition of winter parking hours.

10 **Motion to approve: J Russell, D Calderwood second**

11 R Eck said our winter parking hours are wrong. This is in place to keep the honest, honest and to give the Sheriff's
12 Department the ability to write parking tickets. People need to park on the streets. November 1st is too early for winter
13 parking. He wants to make this ordinance as kind as possible.

14 D Astle asked if we are concerned about cars off the road before the first snowstorm.

15 R Eck would like to let people park on the street as long as it doesn't harm anybody. However the City can make it work for
16 everyone. The Sheriff's Department hates to write winter parking tickets.

17 J Russell said it doesn't matter if there's 2 inches or 24 inches of snow

18 D Astle said people need to know when they can't park on the road, they need to govern themselves. Give them 24 hours
19 from the first major snowfall.

20 D Low suggested putting it in the paper and using the radio station.

21 **Vote: Yea: D Astle, B Bagley, D Calderwood, D Low, J Russell**

22 **Nay: None**

23 **Abstain: None**

24 **Excused: None**

25
26 **Item No. 6. Discussion: Ordinance No. 012-2011:** The Providence City Council will discuss an ordinance amending
27 Providence City Code Title 7 Chapter 7 Parks and City Owned Property by adding Section 9 Special Events.

28 Request to move this discussion to follow Item No. 2.

29 Heather Lenig is requesting that she be allowed to do a Reindeer Race on December 10th.

30 S Bankhead said this ordinance is taken from Logan City. D Calderwood's son also provided information from the Salt Lake
31 City Code. This code has already been tested. The City's insurance company wants us to make sure there is adequate
32 insurance from these groups. The purpose of the ordinance is to let us know people are coming into the City. We also need to
33 be able to mitigate the negative impacts by the different groups. Staff discussed limiting the amount of these events. Ragnar,
34 the Half Marathon and the Top of Utah races are using the County Roads. We are inheriting these right off the top. We also
35 do our own 5K and the elementary school does the Panda Run.

36 J Russell asked R Eck if one race was allowed per month in Providence what does this mean for Public Works.

37 R Eck said you would have 12 races. It will depend on how you shape the ordinance. These races have to be regulated.

38 S Bankhead said H Lenig sent a copy of Garden City's application. We would probably use this application. The Reindeer
39 Race would probably incorporate the County and another City. It's hard to say what 12 races would do for the Public Works
40 Department.

41 D Astle asked if we can charge a fee for these races.

42 S Bankhead said as soon as the ordinance is completed.

43 R Eck said this ordinance would also cover bicycling, running etc.

44 S Bankhead said the only thing you can't stop is political events.

45 R Eck said this ordinance will deal with the concerns that exist for the City.

46 D Astle asked if H Lenig has read the County Ordinance.

47 H Lenig said she is fine with the ordinances and she doesn't have a problem dealing with the ordinances.

48 J Russell said he would like to find a way to make the Reindeer Race happen.

49 D Astle said the ordinance will take time to pass but he would like to work something out with the Reindeer Race.

50 S Bankhead said snow removal will be something that has to be dealt with if there is snow.

51 J Russell asked what would happen if there is snow.

52 H Lenig said if there is snow she will be willing to change the route. She will work with the City.

53 B Bagley asked what the route would be.

54 H Lenig said she is looking at a couple of routes. River Heights has given them permission to run through their City.

55 J Russell would like to allow the Reindeer Run and H Lenig would be required to work with R Eck on this. He also wants to
56 require the insurance.

57 J Russell said this is something that could happen every year.

58 H Lenig said these races bring in tax money.

1 R Eck said he doesn't want to have to pay overtime for a run on Saturday.
2 R Liechty said all of the details can be worked out.
3 D Calderwood asked how many hours it takes to run a 5K.
4 H Lenig said it takes about 2 hours.
5 D Low asked if charging more would take care of the overtime.
6 R Eck said in the winter the guys are taken away from their families a lot. This would be one more thing that takes them
7 away.
8 D Astle said H Lenig will be required to work out the details with the City.
9 R Liechty asked if the Council would give H Lenig the nod to put this race together.
10 H Lenig wanted to use the Old Rock Church but it is too expensive.
11 R Liechty suggested using the City Office to start and finish the race. It would be incorporated with the arrival of Santa
12 Clause.
13 H Lenig will work out the details with the City.
14

15 **STAFF REPORTS:**

16 R Eck talked about the turn-a-round that is being required for the Eagle View Estates Subdivision. He explained what a turn-
17 a-round is used for. He doesn't believe that the City is being unreasonable by making Jack Nixon asphalt the road. It is in the
18 ordinances.
19 D Astle reminded the Council that the Fire Department requires asphalt for a turn-a-round.
20 R Eck told the Council that the Center Street project has been started.
21 S Bankhead told the Council that Meg Erickson and Lavonna Watkins have signed the easement deeds. The Erickson's want
22 a landscaping agreement the City doesn't feel good about. The Erickson's are willing to work with the City on this.
23 D Astle said he is opposed to signing the landscaping agreement.
24 S Bankhead told the Council that the City can come up with a landscaping plan and then let the Erickson's tweak it or the
25 City can hydro-seed and cash them out for their own landscaping. The City also has a retention pond in that area that we
26 could use to water the vegetation that the City puts in. When the landscaping plan is done it will be brought back to the City
27 Council.
28 D Astle suggested seeing what UDOT requires for restoration.
29 S Bankhead told the Council that DWR wants to close the Canyon Trail because cows are using it to come out of the Canyon.
30 She told DWR that the City would expect compensation if they closed down the trail.
31 S Bankhead told the Council that Dan Cox came in and talked to DRC about Sunrise Acres. It will be going to Planning
32 Commission shortly. Amsource asked for their final plat to be null and void. That will have to go to Planning Commission.
33 The City Council will have to repeal the resolution. She asked the Council if it would be alright to ask Amsource to void the
34 approved preliminary plat that incorporates the wetlands area.
35 D Astle would like to have some legal advice before they go to Amsource with this.
36 S Bankhead reported that the Auditors have finished and we are waiting for the report. The Sauerkraut Dinner wasn't a very
37 big success. It needs to be moved off of Halloween weekend.
38 D Low suggested sending letters to the LDS Church wards letting them know the different activities that the City has during
39 the year and asking them to support the City with these activities.
40 D Astle suggested moving the dinner to the middle of October and see if we can avoid some of the conflicts in the valley.
41 Part of the problem is scheduling.
42 S Bankhead asked to move the dinner back to the car show.
43 The Council agreed.
44

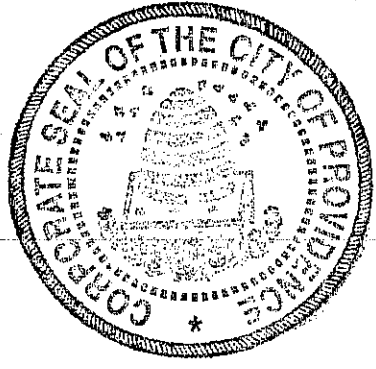
45 **COUNCIL REPORTS:**

46 B Bagley reported on the tax report. It was up from last year. He will be talking to Sonic Drive-In about coming to
47 Providence.
48 D Calderwood reported on the Planning Commission meeting. He and D Astle went to the rededication of the Church.
49 J Russell said his mother loves Providence. He got a call from a very unhappy citizen letting him know that Providence City
50 is one of the highest taxed cities in the County. He suggested letting the citizens know what is going on.
51 D Astle talked about the invitation for the program at the Old Rock Church on Friday. He let the Council know about the
52 fund raising efforts for the Old Rock Church.
53 D Low asked what was being done on the 100 North round-a-bout.
54 S Bankhead explained that we had to see what the Center Street project is going to cost. She told the Council that we have
55 received a check from FEMA. The MPO suggested sitting down with the County to see if there is any money to put towards
56 it.
57 R Liechty told the Council that he met with Chris Beykirk about the Planning Commission. He told the Council that he is
58 thinking about doing a Christmas dinner between Christmas and New Years for the staff and Council. He asked the Council

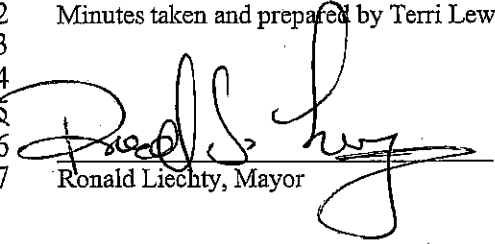
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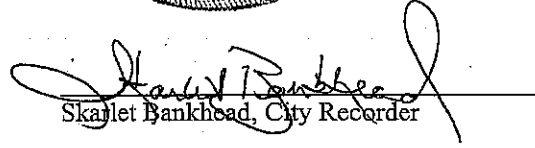
if he could get quotes for new counter tops for the Council Chambers. He told the Council about a lengthy conversation he had with a citizen about concerns he has about the tax increase.

Motion to adjourn: D Low, D Astle second
Vote: Yea: B Bagley, D Astle, D Calderwood, J Russell, D Low
Nay: None
Abstain: None
Excused: None



Meeting adjourned at 8:58 p.m.
Minutes taken and prepared by Terri Lewis


Ronald Liechty, Mayor


Skarlet Bankhead, City Recorder

City Council Meeting

November 8, 2011

Please Sign In

Name

City of Residence

Jack Nixon
Michelle Fugate
Heather Lenny
Chalene McGrath
Keith Thompson
BRIAN CANNON

Hyde Park
Business in Providence
Prov,
PROVIDENCE
N. LOGAN CITY