

1 **PROVIDENCE CITY COUNCIL MINUTES**

2 **December 13, 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: John Russell

12
13 **APPROVAL OF THE MINUTES:**

14 The Providence City Council will approve the minutes from November 8, 2011.
15 **Motion to approve the minutes with the following changes: J Russell, D Astle second**

16 Page 1 Line 53 -- any legal historical precedence

17 Page 3 Line 41 -- D Astle asked about a fee

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

19 **Nay: None**

20 **Abstain: None**

21 **Excused: None**

22
23 **PUBLIC COMMENTS:**

24 Sharell Eames doesn't want Chris Beykirch to be allowed on the Planning Commission.

25 Ivan Christensen wants to know why sidewalks need to be placed in the downtown area.

26 D Astle said that was established by ordinance.

27 R Liechty said sidewalk is every where.

28 R Eck said the Council toured the downtown area and it was decided that every street would be required to have sidewalk. It
29 is required for all subdivisions.

30 D Calderwood reminded I Christensen that he is asking for a subdivision.

31 I Christensen said he believes a 1/2 block of sidewalk in front of his house is a waste of money.

32
33 **BUSINESS ITEMS:**

34 **Item No. 1. Report:** A representative from the firm of Wisan, Smith, Racker & Prescott, LLP will present the audit report
35 for fiscal year ending June 30, 2011.

36 The auditing firm is not prepared to report. This will be moved to a future meeting.

37
38 **Item No. 2. Resolution 11-039:** The Providence City Council will consider for adoption a resolution supporting a request
39 from the Providence City Historic Preservation Commission to apply for a matching Certified Local Government (CLG)
40 Grant from Utah State History for the creation of an education tool kit on the history of Providence City (highlighting the
41 impact of the quarry in Providence Canyon); and agreeing to match up to \$3,000 during fiscal year 2013.

42 **Motion to approve: D Astle, D Calderwood second**

43 D Astle said this is a matching grant that can be applied for every other year. They are asking for a total of \$6,000. The grant
44 would be for \$3,000 and the City would match the grant for \$3,000. This would be for the year 2012-2013. These education
45 tool kits would go to the 4th grade curriculum in the school. This would also provide an audio report for the historic walking
46 tour. This request has to be in by February 15th and they have to have an agreement with the City to match the \$3,000.

47 D Low asked if other cities have done this type of thing before.

48 Jay Hicken said the committee came up with these ideas. One of the Commissioners talked to the 4th grade teachers and the
49 Commission is trying to work with their curriculum.

50 D Astle said all the Commission members have had a hand in doing this.

51 R Liechty asked if this is part of the budget that has been set apart for the Historic Commission.

52 S Bankhead said this is in addition to.

53 J Russell asked if we are comfortable that this will cover everything that is being asked for. He also asked about the historic
54 street signs and where we are on those.

55 D Astle said yes to the first question and explained what is left to do with the signs.

56 J Russell asked about approaching local businesses for the grant money.

1 J Hicken said what the City is doing is underwriting the project. This is considered in-kind.
2 J Russell said he would encourage the Commission to look at local businesses to help raise the grant money.
3 S Bankhead said if this is passed the City needs to be willing to come up with the money.

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

5 **Nay: None**

6 **Abstain: None**

7 **Excused: None**

8
9 **Item No. 3. Resolution No. 11-036:** The Providence City Council will consider for adoption a resolution appointing Chris
10 Beykirch as an alternate member to the Planning Commission.

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

12 R Liechty talked to an individual that had the same concern as Sharell Eames over C Beykirchs' appointment.

13 J Russell also had an e-mail from a citizen with concerns.

14 R Liechty said C Beykirch owns Kitchen Kneads. He is a hard working young man.

15 J Russell recommended C Beykirch to the Planning Commission. He feels he is a great young man.

16 R Liechty said C Beykirch has taken 4-5 weeks to consider doing this before he accepted the position.

17 J Russell said he would not have recommended him if he didn't think he would do a good job.

18 D Astle said he would like to have C Beykirch at the next meeting to talk to him.

19 D Calderwood agreed with D Astle.

20 **Motion to continue until the next meeting in January when Chris Beykirch can attend: D Astle, B Bagley second**

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

22 **Nay: None**

23 **Abstain: None**

24 **Excused: None**

25
26 **Item No. 4. Resolution No. 11-037:** The Providence City Council will consider for adoption a resolution repealing
27 Resolution 11-012 and voiding the approval of the Development Agreement for Alder Square Phase 3 Lot 114.

28 **Motion to approve: D Calderwood, B Bagley second**

29 S Bankhead explained that Amsource hoped that Sears would locate in Providence. They couldn't come to an agreement so
30 Amsource would like to have the flexibility to start over with another business and have this agreement voided. Phase 2 was
31 going to be the south side of the property where Gold's Gym was supposed to go.

32 J Russell asked if it was conceivable for Amsource to keep bringing businesses in and having the agreement fall through.

33 S Bankhead said that is conceivable.

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

35 **Nay: None**

36 **Abstain: None**

37 **Excused: None**

38
39 **Item No. 5. Resolution No. 11-038:** The Providence City Council will consider for adoption a resolution approving the
40 name change of Hawthorne Drive (a private road) to Cottage Court, requested by the Cottage Creek Homeowners
41 Association.

42 **Motion to approve: J Russell, D Low second**

43 R Eck explained where this road is located and the history of it.

44 Mr. Anderson from the Cottage Creek Homeowners Association explained that there are homes in River Heights and
45 Providence that have the same address. Emergency people have a hard time distinguishing where the emergency vehicle
46 should go. The road is public in River Heights and a private road in Providence.

47 J Russell asked how emergency services would be notified.

48 S Bankhead said once this is approved a certified copy will be given to the Homeowners Association and they will let the
49 Post Office and the Emergency Services know.

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

51 **Nay: None**

52 **Abstain: None**

53 **Excused: None**

54
55 **Item No. 6. Ordinance No. 013-2011:** The Providence City Council will discuss an ordinance changing the zone for the
56 property located at 207 East 100 North from the current SFT Single Family Traditional (required 12,000 square foot lots) to
57 SFR Single Family Residential (10,000 square foot lots) requested by Ivan Christensen.

58 **Motion to approve: D Calderwood, D Astle second**

1 D Astle asked if this was being spot zoned.
2 S Bankhead said this one parcel is the only thing being changed. Some parcels are big some are smaller in this area.
3 D Low asked what the conditions are from State Code.
4 R Liechty said this is being recommended by the Planning Commission to change this.
5 D Astle said this allows a property owner to use his property more efficiently.
6 D Calderwood said this will enable I Christensen to get 2 lots behind the home that's already there. He doesn't believe this
7 will change the appearance of this area. If this is approved he will be required to build the sidewalk.
8 D Low asked Craig Call his opinion on this
9 C Call said the standard in the law is if it's a good idea then do it. Consider the general plan requirements. It is up to your
10 discretion.
11 B Bagley said many of these big lots in the downtown area could be inbuilt.
12 S Bankhead said there has been an agreement between the two property owners where the property line is located.
13 D Astle explained where the property line is located on the plat map. He discussed the length and width of the property.
14 **Vote: Yea: D Astle, B Bagley, D Calderwood, D Low, J Russell**
15 **Nay: None**
16 **Abstain: None**
17 **Excused: None**
18

19 **Item No. 7. Ordinance No. 014-2011:** The Providence City Council will consider for adoption an ordinance amending
20 Providence City Code Title 10 Chapter 6 Area Regulations to allow 10 foot rear setbacks for Single Family Residential in the
21 Downtown Area.

22 **Motion to approve: D Low, D Calderwood second**

23 S Bankhead told the Council that the Planning Commission recommended that the City Council not approve the 10 foot
24 setback.

25 S Bankhead explained what the definition of the Downtown Area is. I Christensen's' intent isn't to change this for the entire
26 downtown area he just wants to be able to keep his fence in the same place.

27 D Calderwood said if this is approved by Council they change the rules for a lot of things. I Christensen will still have the
28 room to build 2 homes if the Council denies this ordinance.

29 D Astle said he is concerned about setting precedence.

30 I Christensen explained why he wants the setback changed to 10 feet.

31 Jeff Baldwin said this will interfere with the fire code.

32 S Bankhead told the Council why the Planning Commission didn't approve the 10 foot setback.

33 Keith Thompson explained the concern for the utility easement.

34 B Bagley said he is concerned about starting precedence.

35 D Astle doesn't think that the ordinance should be changed.

36 **Vote: Yea: None**

37 **Nay: D Astle, B Bagley, D Calderwood, D Low, J Russell**

38 **Abstain: None**

39 **Excused: None**
40

41 **Item No. 8. Ordinance No. 009-2011:** The Providence City Council will consider for adoption an ordinance disconnecting
42 an approximately 1.61 acre interior parcel, located approximately 451 feet west of SR 165 and 70 feet South of 1200 South
43 (Logan). Requested by CA Fullmer Family, LLC.

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

45 C Call said the applicant must make a request. The person can go to court if they don't like the decision.

46 The guidelines apply to the Court they do not apply to the City. However, the City does not have to approve something the
47 Court cannot approve.

48 C Call read the statute. The issue is can the County provide utilities? This is a back door attempt to go through the front door.

49 Technically this doesn't meet the criteria. The legislature has decided that both cities have to agree to this. If this is a
50 manufactured issue and doesn't meet the requirements then the City has the right to say no.

51 B Cannell explained why his client took this route.

52 C Call said that every parcel needs utilities. It's a matter of what's in the public interest. If the applicant isn't happy with the
53 decision he can go to court. This is a judgment call.

54 B Bagley asked what the benefits to Providence City would be.

55 R Liechty said this is commercial property.

56 D Calderwood said sooner or later the City will put water and sewer to this property.

57 D Astle said part of this property would be in Logan and part in Providence. Whose standards does he build to? This is a
58 judgment call.

1 S Bankhead said Mr. Fullmer asked Mayor Simmons for a boundary line adjustment. The Council said no. About 4 months
2 ago Mr. Fullmer requested a boundary line adjustment with Logan. The Council wasn't interested in this.
3 D Calderwood asked B Cannell if the property was going to Cache County.
4 B Cannell said it has to go to Cache County first and then annex to Logan. The statute doesn't require that Cache County
5 provide services.
6 C Call said the legislature says the applicant must show that the County can provide utilities. If it doesn't fit how will equity
7 show it necessary?
8 R Liechty said he doesn't think Providence City should ever give up property.
9

10 **Motion to go into executive session to discuss this: J Russell, Dale Astle second**

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

12 **Nay: None**

13 **Abstain: None**

14 **Excused: None**

15 **Back into Council session 8:10 p.m.**

16
17 **Vote: Yea: None**

18 **Nay: D Astle, B Bagley, D Calderwood, D Low, J Russell**

19 **Abstain: None**

20 **Excused: None**
21

22 **STAFF REPORTS:**

23 R Eck reported on the Center Street project. He explained the purpose of the irrigation box. The lines that feed this box have
24 been a mystery. They found the line when they were working on Center Street. He is asking the Council that they allow the
25 irrigation lines be replaced while this project is being done. He believes this will cost between \$12,000 and \$15,000 to do
26 this.

27 D Astle asked what the condition of the line is going east and who owns the line?

28 R Eck said the City owns the line from the Providence/Blacksmith Fork irrigation canal at approximately 140 South and 150
29 East which is the diversion point at which the City pumps irrigation to the distribution box at approximately 350 East Center.
30 This line is necessary to complete the exchange of water with Spring Creek Irrigation. The City is responsible for its
31 maintenance. Until it was dug up nobody knew where the line was. You can now see there is a crack in the concrete. There is
32 money in the budget to fix this. There doesn't need to be a budget adjustment. It would be better to do this now than have to
33 dig up the new road later.

34 The Council said to go ahead with this.

35 R Eck talked to the Council about Dan Hogan's desire to put a road down through Von's Park and the City parking lot. This
36 would all be on City property. In his opinion this is not a good idea.

37 S Bankhead told the Council that the auditors weren't ready to present their findings tonight. The auditors will have the
38 adjustments to her by December 19th. They will also have the findings at this time. She would recommend keeping the
39 auditors for 2 more years but not for 4 years. She discussed the reasons that the audit isn't completed yet. She reported on
40 Santa's visit and the reindeer run. She explained that R Eck isn't in favor of more historic signs in the City. She reminded the
41 Council to choose the winners of the Christmas lighting contest. She told the Council that the Christmas decorations on 100
42 North were paid for by donations.
43

44 **COUNCIL REPORTS:**

45 B Bagley gave the Council an update on the tax revenue for November. He told D Low that he would be missed.

46 D Astle also thanked D Low for his service. He went over the survey that was done on the Old Rock Church. He asked the
47 Council to study it. He reported on the Historic Preservation meeting.

48 D Calderwood talked about a dog complaint that has been taken care of. He reported on Planning Commission. He reported
49 on the deer meeting with the DWR. They discussed the repair of the deer fence. There will also be a State meeting on the
50 problems with deer in the urban areas.

51 J Russell was asked if the Elementary School playground area could be completely fenced. He went to Runner's North and
52 they were excited about the Reindeer Run. He also thanked D Low for his service.

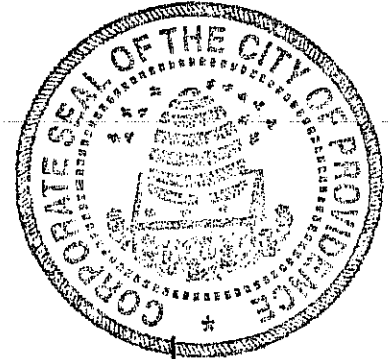
53 D Low thinks Highway 165 and 100 North should be a very clean area. He told D Calderwood that his neighbors think D
54 Calderwood is the best neighbor you could have. He feels like he and J Russell will be friends for along time. He told D Astle
55 that his father has never seen or heard of D Astle doing anything wrong. He met B Bagley while he was looking at Christmas
56 lights and he thinks he's a wonderful man. He has set by the Mayor for the last 4 years and he has enjoyed the banter and the
57 fun. He thanked the citizens who voted for him. He told the Council that he loves Providence and her people more since he
58 has sat on the Council. He talked about the different decisions that he has been involved in during the last 4 years. He

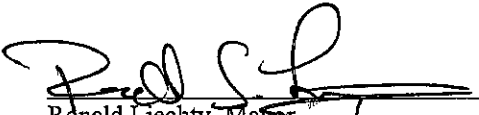
1 thanked the staff for everything that they do. He loves and respects S Bankhead. His life belongs to his God, his family and
2 his City. He apologized for anything that he has ever said that has offended anyone. He believes God's hand is in the City
3 and her people. He sincerely says thank you for allowing him to be part of this sacred trust.
4 R Liechty told the Council about the decision to have a Holiday Fiesta party on January 4th at the Old Rock Church. He
5 wished the Council a Merry Christmas. He thanked D Low for his service.
6

7 **Motion to adjourn: D Low, D Calderwood second**
8 **Vote: Yea: B Bagley, D Astle, D Calderwood, J Russell, D Low**
9 **Nay: None**
10 **Abstain: None**
11 **Excused: None**

12 Meeting adjourned at 8:54 p.m.

13 Minutes taken and prepared by Terri Lewis



17
18 
19 Ronald Liechty, Mayor

20 
Sarjet Bankhead, City Recorder

