

1 **PROVIDENCE CITY COUNCIL MINUTES**

2 **January 10, 2012**

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, R Call
9 Excused:
10 Pledge of Allegiance: Mayor Liechty
11 Motivational Thought: Don Calderwood

12
13 **OATH OF OFFICE:** Bill Bagley and John Russell will take the Oath of Office.
14 S Bankhead gave the Oath of Office.

15
16 **APPROVAL OF THE MINUTES:**
17 The Providence City Council will approve the minutes from December 13, 2011.
18 **Motion to approve the minutes with the following changes: J Russell, D Astle second**
19 Page 2 – Line 43 – R Eck
20 Page 3 – Line 11 – could be buildable
21 Line 34 – starting a precedent
22 Page 4 – Line 27 – and who owns the line? D Astle will send the additions
23 **Vote: Yea: B Bagley, D Astle, D Calderwood, R Call, J Russell**
24 **Nay: None**
25 **Abstain: None**
26 **Excused: None**

27
28 **PUBLIC COMMENTS:**
29 None

30
31 **PUBLIC HEARING (6:15 pm):** The Providence City Council has received a request to vacate a portion of the right-of-
32 way for 1250 South. The proposed vacation begins west of Hidden View Drive and runs west between Lots 15 and 16
33 (approximately 136 feet) in the Providence Highlands Subdivision Phase 1. Prior to making a decision on this request, the
34 Providence City Council is holding a public hearing. The purpose of the public hearing is to provide an opportunity for
35 anyone interested to comment on the proposal before action is taken. The Providence City Council invites you to attend the
36 hearing in order to offer your comments.

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

42 S Bankhead explained to the City Council the history of the road vacation. Staff recommends that the Council approve this
43 vacation of right-of-way.
44 S Bankhead and R Eck talked about the 2 lots that this affects. The owner of the 2 lots has no desire to sell the lots.
45 S Eames asked R Eck to draw this on the board.
46 R Eck drew it on the board. He explained if the City vacates the road Imagine Development will just increase the size of the
47 lots associated with it. Imagine Development is the only land owner that would have to be dealt with.
48 R Eck believes there is some engineering work that needs to be done.
49 Rick Arnold said Imagine Development still has a punch list out and vacating this road will help finish the punch list. If the
50 City acquired lots 15 & 16 it would take a lot of engineering to finish the road. There is a large drop off that would need to be
51 contended with. Imagine Development still has bond money that is a sufficient amount to finish the corner as it's designed.
52 R Call asked what the urgency is to finish this.
53 R Arnold said they want to finish their punch list. The engineering stubs out to the end of their property line.
54 S Bankhead said there are private property owners on all sides of the stub. The City doesn't want anything done with the
55 properties until the Council decides what they want to do with the plated short road. It's not just the developer and the City
56 that's on hold.

1 D Astle asked why a stub wasn't put in when the subdivision was done in 2006.
2 R Eck said the City Manager at the time said it was already a done deal.
3 R Arnold said this stub wasn't an access issue it was designed to improve water pressure for the Hillsborough Subdivision.
4 The key point of the road was never access.
5 Penny Bagley asked how a home would be built if the property is too steep for a road.
6 R Arnold said you could put a road down there but it would cost the City a lot of money. Why would the City want to do
7 that?
8 B Bagley said he is concerned with only one access. He will feel better if there's a document in place that states there will be
9 access to the south side through Millville.
10 D Astle said access to the south depends on building.
11 R Eck explained that there are already two accesses off of the bench area.
12 J Russell asked if the Council could get a copy of the annexation agreement.
13 S Bankhead said that requires a court order. She can get some of the information but not all of it.
14 J Russell would just like to see the agreement with Imagine Development.
15 S Bankhead asked if the Council is willing to condemn property. Staff would really like to get the Highlands Development
16 finished. Her only concern is to have the development finished so the developers can move on to another project in the City.
17 This road would not be developer driven. It would be up to the City to finish it.
18 D Astle would like the minutes and the documents of this project.
19 S Bankhead said she will get them what the City has.
20 D Calderwood suggested asking the property owners of the 3 lots involved what they would like done.
21 R Eck said he will talk to the owners.
22 J Russell said he would also like to hear from the property owners and see the documents.
23 R Call asked S Bankhead to explain the bond money.
24 S Bankhead explained to the Council that a bond is set up so the subdivision will be finished in 2 years. If it's not finished the
25 City can take the money and finish the project.
26 R Arnold said the bottom line for the developer is they don't really care if the road is vacated. He just believes it will look
27 better to round it out and finish it. The bulk of the fill and the slope would have to be done on the property below. It is an eye
28 sore for the community and the development. They just want to get their punch list finished.
29 S Bankhead said the development agreement would have to be amended.
30 R Arnold said he will get the documents requested to S Bankhead.
31 **Motion to close the public hearing: D Calderwood, R Call second**
32 **Vote: Yea: D Astle, B Bagley, D Calderwood, R Call, J Russell**
33 **Nay: None**
34 **Abstain: None**
35 **Excused: None**
36

37 **BUSINESS ITEMS:**

38 **Item No. 1. Council Assignments:** Mayor Liechty will assign Council Members their areas of focus.

- 39 Finance – D Astle and R Call
- 40 Planning & Zoning – R Call and D Calderwood
- 41 Parks and REC – J Russell and B Bagley
- 42 DRC – D Calderwood and Mayor
- 43 Historic Preservation – D Astle and Mayor
- 44 Public Works – J Russell and Mayor
- 45 Commercial – B Bagley and Mayor

46
47 **Item No. 2. Resolution 12-001:** The Providence City Council will consider for adoption a resolution appointing Skarlet
48 Bankhead as the City Recorder and Beth Munson as the City Treasurer.

49 **Motion to approve: J Russell, B Bagley second**

50 J Russell asked if the City needed a deputy recorder.

51 S Bankhead said if the City feels comfortable having a deputy recorder they can have one.

52 D Astle said as small as the City is he doesn't feel it necessary to have a deputy recorder.

53 **Vote: Yea: D Astle, B Bagley, D Calderwood, R Call, J Russell**

54 **Nay: None**

55 **Abstain: None**

56 **Excused: None**

57

1 **Item No. 3. Resolution No. 12-003:** The Providence City Council will consider for adoption a resolution amending the fee
2 schedule to reflect the actual cost of a water meter.

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

4 R Eck explained that this fee is to place a water meter to service your home. This price fluctuates with the market price. This
5 resolution will allow the City to make a floating fee. The City will charge the homeowner the meter cost. He feels like
6 installing the meter is part of the service the City provides.

7 R Call thinks the homeowner should be charged the cost of the meter and the installation.

8 R Liechty doesn't want it to cost the City money.

9 D Astle suggested charging an overhead cost with the cost of the meter.

10 S Bankhead said there is more than one size of meter that is purchased.

11 R Eck said he will do whatever the Council wants.

12 R Call said he sets the price once a year in his business.

13 R Eck said to give him two weeks and he will come up with the price of every size of meter we use.

14 **Motion to continue Resolution No. 12-003: J Russell, R Call second**

15 **Vote: Yea: D Astle, B Bagley, D Calderwood, R Call, J Russell**

16 **Nay: None**

17 **Abstain: None**

18 **Excused: None**

19
20 **Item No. 4. Ordinance No. 001-2012:** The Providence City Council will consider for adoption an ordinance amending
21 Providence City Code Title 10, Chapter 1, Section 6, Notice Requirements to make it consistent with State Code.

22 This item has been removed.

23 **Motion to approve:**

24 **Vote: Yea: D Astle, B Bagley, D Calderwood, R Call, J Russell**

25 **Nay: None**

26 **Abstain: None**

27 **Excused: None**

28
29 **Item No. 5. Ordinance No. 002-2012:** The Providence City Council will consider for adoption an ordinance correcting
30 Ordinance No. 006-2011 to amend Title 5 Chapter 4 instead of Title 5 Chapter 1.

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

32 S Bankhead explained that she goes through all the ordinances at the end of the year. This is just to correct an error of the
33 amended code chapter/title.

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

35 **Nay: None**

36 **Abstain: None**

37 **Excused: None**

38
39 **STAFF REPORTS:**

40 R Eck said he met with the NRCS this last week. He went over the projects that he would like to request monies concerning
41 any flooding that might occurred this last spring. If the projects are on private property the owners would be responsible to
42 match the money given. He doesn't feel like the City should step in at all.

43 J Russell suggested reminding the property owners that there may be flooding again this next spring.

44 D Astle asked if the property owners would have to request the money.

45 S Bankhead said the City would help facilitate the monies but all of the property owners have to agree to do it.

46 D Astle believes the funds should be pursued.

47 R Call asked if the City should warn the citizens that we will not supply sand bags and sand for them.

48 R Eck said to continually supply sand bags for the same 11 people is foolish. We can't do this year after year after year. The
49 citizens have to take responsibility for their property.

50 R Eck reported on the Center Street project. He publicly thanked the two Irrigation Companies for keeping the water out of
51 the creek. He is very pleased with the work that the contractors have done. He asked the Council if they would like a slide
52 presentation for the next meeting. The asphalt should be down by the end of this week the middle of next week.

53 R Eck reported on the salt purchase for this year. It has been a good year for snow removal so far.

54 S Bankhead told the Council that staff would like to start discussions concerning the round-a-bouts or \$58,000 will have to be
55 refunded from the Road Impact Fees. Staff would like to talk to the land owners this will effect.

56 R Call said he opposes a round-a-bout up on Canyon Road. He feels like there should be sidewalk on the north side.

57 S Bankhead said you can't use impact fees for sidewalks. You can use impact fees for road construction. We are bound by
58 law with what we can use the impact fees for. We have to do our do diligence.

1 D Astle asked if the road funds could be used on 400 East.
2 S Bankhead said the road funds could be used on 400 East. We had an engineer look at putting a round-a-bout on Canyon
3 Road and 400 East and the traffic study said it was a good idea. No matter where we go we will be dealing with property
4 owners.
5 S Bankhead said staff will work on the 100 North round-a-bout.
6 S Bankhead reported on the audit report and distributed copies to all Council members.
7 B Bagley would like the audit team to report at the next meeting.
8

9 **COUNCIL REPORTS:**

10 B Bagley reported on the tax report for December. He visited some of the commercial businesses and they are quite happy
11 with Providence City. He is concerned with the Amsource Development. He would like to hold a public hearing to hear from
12 the Mayor, City Recorder and City Treasurer to see where the City has been and where the City is headed. He thanked the
13 Mayor for the dinner.

14 D Astle reported on the Historic Commission meeting. They are pursuing the grant request.

15 D Calderwood thanked the Mayor for the dinner. He reported on the Planning Commission meeting.

16 J Russell thanked S Bankhead and B Munson for all they do. He is taking Dave Lows position on thanking the City. He asked
17 about wording on the agenda.

18 R Call said he is grateful to be on the Council. He wrote down some things that he would like to accomplish during his term.
19 He will review this list in a year and see how he's doing. He is looking forward to working with everyone.

20 R Liechty would like to vote for a new mayor pro-tem.

21 **Motion to nominate J Russell for Mayor pro-tem: D Astle, B Bagley second**

22 **Vote: Yea: D Astle, B Bagley, D Calderwood, R Call**

23 **Nay: None**

24 **Abstain: J Russell**

25 **Excused: None**

26 R Liechty would like to have an executive session next meeting with just the Council. He would like to talk about goals, etc.

27 C Carlston said he didn't believe that personal goals could be done in executive session.

28 R Liechty reminded the Council that the Appeal Authority needs 2 new members.

29 J Russell said that Chris Beykirch is still interested in being on the Planning Commission. He will be here for the next
30 meeting.

31 R Liechty said he would like to see Elden Dattage on the Appeal Authority.

32 R Liechty asked the Council if they would be interested in welcome cards for new move-ins to the City.

33 The Council would like to pursue this.
34

35 **Motion to go into executive session to discuss pending litigation: J Russell, D Astle second**

36 **Vote: Yea: B Bagley, D Astle, D Calderwood, R Call, J Russell**

37 **Nay: None**

38 **Abstain: None**

39 **Excused: None**
40

41 **Motion to close the executive session: Bill Bagley, D Calderwood second**

42 **Vote: Yea: B Bagley, D Astle, D Calderwood, R Call, J Russell**

43 **Nay: None**

44 **Abstain: None**

45 **Excused: None**
46

47 **Motion to adjourn: R Call, D Astle second**

48 **Vote: Yea: B Bagley, D Astle, D Calderwood, R Call, J Russell**

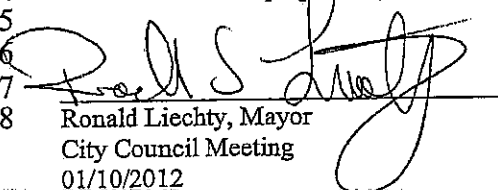
49 **Nay: None**

50 **Abstain: None**

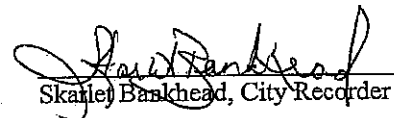
51 **Excused: None**
52

53 Meeting adjourned at 8:20 p.m.

54 Minutes taken and prepared by Terri Lewis
55

56 
57 **Ronald Liechty, Mayor**
58 **City Council Meeting**
01/10/2012



56 
57 **Skanley Bankhead, City Recorder**

