

1 **PROVIDENCE CITY COUNCIL MINUTES**

2 **June 25, 2013 6:00 pm**

3 **15 South Main, Providence UT**

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5 Call to Order: Don Calderwood

6 Roll Call of City Council Members: Don Calderwood

7 Attendance: Dale Astle, Bill Bagley, Don Calderwood (Mayor Pro-tem), Ralph Call,  
8 John Russell

9 Excused: Ron Liechty

10 Pledge of Allegiance: Don Calderwood

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12 **Approval of the minutes**

13 **Item No. 1.** The Providence City Council will consider approval of the minutes June 11, 2013 City Council  
14 meetings.

15 Motion to approve the minutes with the following changes: J Russell, second – B Bagley

16 Page 2, Line 3, 4, 5 – Randy has \$230,000 in class C Funds, \$1,765,000 is a total tax revenue, not property  
17 tax revenue.

18 Page 3, line 22 – Macey’s last pay out in February 2014?

19 Page 3, Historical question \$1,800 for DVD, DVD is \$3,000 other miscellaneous items is \$3,000.

20 Page 4, Typos on an and and, line 23 – Jim Williamson (Spring Creek Water Company President)

21 Capitalize R Call

22 3% increase in budget for salaries

23 Page 4 - Cemetery Perpetual Care – clarify Shane’s build out for waterlines, turf, trees – develop land

24 Page 5, line 48 Fisher not Fischer

25 Page 6, line 31 Brent Speth, Fire Inspector

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

27 **Nay: None**

28 **Excused: None**

29 **Abstained: None**

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31 **Public Comments:** Citizens may appear before the City Council to express their views on issues within the  
32 City’s jurisdiction. Comments will be addressed to the Council. Remarks are limited to 3 minutes per  
33 person. The total time allotted to public comment is 15 minutes The City Council may act on an item, if it  
34 arose subsequent to the posting of this agenda and the City Council determines that an emergency exists.  
35

36 **Business Items:**

37 **Item No. 1. Resolution 13-016.** The Providence City Council will consider for adoption a resolution  
38 restricting the use of fireworks during July 2013.

39 **Motion to approve Resolution 13-016: D Astle, second – R Call**

- 40 • Brent Speth, Logan City Fire Inspector, explained the Fire Marshall’s in the State of Utah shall not  
41 take responsibility of determining which areas in the City are restricted for ignition sources as per  
42 State Code. Legislative body of said municipality can restrict ignition sources within their  
43 jurisdiction. The intent is to restrict ignition sources such as lighters, matches, etc.
- 44 • J Russell read specifics from State code which include ignition sources such as fireworks, lighters,  
45 matches, sky lanterns, and smoking materials. It does not mention 4-wheelers and firearms.
- 46 • B Speth said as of today the forest service and the county have not put any restrictions in place  
47 on fireworks in our area. At this point in time Logan has not put any restrictions in place for the  
48 4<sup>th</sup> but they will probably be in place for the 24<sup>th</sup>.
- 49 • B Speth felt like the Von’s Park area and the north bench could have restrictions, but the State  
50 wants each municipality to be responsible for their own restrictions, not the Fire Marshalls. He  
51 said this needs to be restricted as the Council sees fit. If the City restricts class C fireworks, those  
52 restrictions need to be identified. Class C identifies those fireworks that are being sold in the City.  
53 He suggested if there is a restriction, then perhaps an area should be identified where fireworks

- 1 can be used.
- 2 • There was discussion among the Council members about making this a resolution or an
- 3 ordinance and which areas should be restricted.
- 4 • R Eck said it will be the City's responsibility to disseminate the information.
- 5 • B Speth said this should also be posted at firework stands so the public knows when they are
- 6 buying the fireworks what the restrictions are.
- 7 • J Russell made a motion to amend the resolution to read use of fireworks prohibited east of 400
- 8 East today through July 9, at that point make this an ordinance. He feels this states the position
- 9 that the Council is concerned about fire hazards.
- 10 • Motion died for lack of second.
- 11 • J Drew suggested a fireworks ordinance be passed, with penalties included, that allows the
- 12 Council to determine each year what the time frame for fireworks restrictions will be, based
- 13 upon the Fire Marshall's advice.

14 **Motion to continue discussion to July 9 and consider an ordinance at that time: R Call, second – J Russell**

15 **Vote: Yea: D Astle, B Bagley, D Calderwood, R Call, J Russell**  
 16 **Nay: None**  
 17 **Excused: None**  
 18 **Abstained: None**

- 19 • D Astle would like to consult the City Attorney to know exactly how far the Council's powers
- 20 extend.
- 21 • B Speth reviewed the 2012 fire code adopted by the State and felt like the City needed to adopt
- 22 that code. He said we could tighten up the code.
- 23 • S Bankhead said that is our code, as well as subsequent additions as adopted by the City.

24 **Item No. 2. Resolution 13-015.** The Providence City Council will consider for adoption a resolution

25 approving the purchase of a hydro-excavator.

26 **Motion to approve Resolution 13-015: R Call, second – B Bagley**

- 27 • R Eck reviewed how the hydro-excavator would benefit the City and what its uses would be. It
- 28 will exercise the valves, which are supposed to be exercised annually. With the new storm water
- 29 regulations the City will have to clean the retention ponds. Using the hydro-excavator would be
- 30 the easiest, most cost efficient way to do this. The amount is \$61, 410.

31 **Vote: Yea: D Astle, B Bagley, D Calderwood, R Call, J Russell**  
 32 **Nay: None**  
 33 **Excused: None**  
 34 **Abstained: None**

35 **Item No. 3. Resolution 13-014.** The Providence City Council will consider for adoption a resolution

36 approving the budget amendment for the 2013 Budgets for all funds.

37 **Motion to approve Resolution 13-014: J Russell, second – D Astle**

- 38 • S Bankhead said the numbers are as of June 24, 2013. The Capital Project Budget is a bit hard to
- 39 tie down because of the construction in progress. She's not sure what will be billed to this year
- 40 and what will be carried over to next year. The General Fund is the only one we have to worry
- 41 about having an excess balance for. It is a bit difficult to figure out prior to the end of the year,
- 42 but hopefully it will be under the 18% limit set by the State. This report shows we purchased
- 43 several vehicles. It shows (page 10) the snow plow, the truck we've ordered for Randy,
- 44 depending on when we take the delivery. This includes the \$18,000 for the utility vehicle for the
- 45 parks, \$18,000 for the General Funds portion for the hydro-excavator. If we go over our 18% the
- 46 State doesn't get too upset if we can show why we are over. The sewer budget is almost identical
- 47 to what it was last year. Storm water is similar to last year's, just a bit higher. It includes the
- 48 \$18,000 for the hydro-excavator. The water budget is a bit higher because of the increase in the
- 49 revenue and we spent some of that outstanding bond money we brought into the City. We are
- 50 consistent. This budget has to be filed with the State and it is for the fiscal year ending June 30,
- 51 2013. It has to be submitted by July 10<sup>th</sup>.

52 **Vote: Yea: D Astle, B Bagley, D Calderwood, R Call, J Russell**  
 53 **Nay: None**

1           Excused:       None  
2           Abstained:      None

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4 **Staff Reports:** Items presented by Providence City Staff will be presented as information only.

- 5       • R Eck asked if the Council had any questions.
- 6       • J Russell asked about chip seals.
- 7       • R Eck said it is done by tons of oil. He was asked by an artist what the plans for the center of the  
8       roundabout were. Randy said it would be landscaping. The artist felt like his bronze sculpture of  
9       Old Ephraim was a good idea.
- 10      • The Council felt like we need to keep it simple and unobstructed with landscaping, not art.
- 11      • City signs for the roundabout, which the Mayor requested, were discussed.
- 12      • D Astle asked when it would be completed.
- 13      • Randy said the contractor has until the end of October, but Randy isn't sure when it will be done.  
14      They are on schedule.
- 15      • The Council supported Randy's decision to keep landscaping in the center of the roundabout and  
16      to keep it simple. There will be lighting in front of each ADA ramp and 4 lamps that will light the  
17      entire circle.
- 18      • Randy discussed South Satsuma progress. Hwy 165 was discussed. Sewer line flows were  
19      discussed and how it would be handled between Logan and Providence city. We don't have to  
20      build our own lift station. We can gravity flow down 3<sup>rd</sup> South to Blackhawk. However, Logan's lift  
21      station there is at capacity and it will need to be relocated and upgraded because it gets flooded.  
22      NRCS will pay for 75% of the relocation and upgrade. Our responsibility will be our share of the  
23      remaining 25%. We cut about \$1.7 million out of the 300 South/1700 South project to make it  
24      acceptable to the County. We will still get road, curb, gutter and infrastructure.
- 25      • Randy reviewed Braegger Park tennis courts. He mentioned the tennis wall that was erected as  
26      an Eagle Scout project a few years ago. The wall had to come down for the rebuild of the court  
27      and Randy had no intention of rebuilding it because of the expense of building it to safety  
28      standards. However, the father is complaining about the wall being gone. Randy wanted to know  
29      what the Council felt about rebuilding the wall.
- 30      • The Council felt like the courts are nice, the City has put a lot of money into those courts and do  
31      not need or want the wall rebuilt.
- 32      • R Eck brought up the storage sheds on 100 North, down by the post office. The owner of the  
33      sheds wants to put up a fence to protect his property. The owner claims his property line west of  
34      the storage sheds goes to the middle of the asphalt between the post office and his storage  
35      sheds. If he is allowed to fence this area, the fence will be in the middle of the asphalt and the  
36      City loses this access to the back side of Alma Leonhardt Park.
- 37      • S Bankhead said the problem is the 16.5 feet the City needs for an easement is not there.
- 38      • R Eck identified many of the issues that the City faces with easements and access to Alma  
39      Leonhardt Park if the fence is allowed to go in, however, the owner has survey stakes that  
40      support his claim.
- 41      • S Bankhead said the City is consulting the attorney on this.
- 42      • J Russell said citizens living in the townhomes mentioned smoldering piles of debris.
- 43      • R Eck said the fire department was called to address this issue. It was an internal combustion  
44      problem. Those chips will be stirred more frequently.
- 45      • D Astle mentioned citizens in Foxridge are concerned about the limbs hanging over the street  
46      blocking the walkway. He asked if Skarlet or Randy could alert those property owners of their  
47      responsibilities.
- 48      • R Eck said we can make the appeal to the owners or we have monies set aside for that.
- 49      • D Astle would like the owners to address this first.
- 50      • Discussed damaged water meters in Stonehenge Circle.
- 51      • B Bagley had an email from a citizen about the connecting 2<sup>nd</sup> South in Logan, going through  
52      Providence and connecting in Millville.

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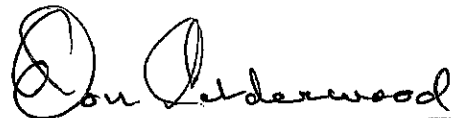
- R Eck said as it comes into Gateway it will be connected. It can only go as far as 2100 South (County) and then Millville has no intention of continuing it.
- S Bankhead said she reviewed the budget with the Mayor. She received a complaint about the property on 200 West and approximately 500 South. Rather than issuing citations, the City will look at information coming from the attorney. The City is aware of the problem.
- D Astle asked if the nuisance ordinance wouldn't cover that.
- S Bankhead said that is no easy task.
- B Bagley asked about the parallel parking versus diagonal parking on east side of Main Street at the Center Street intersection. He feels this is a safety issue for people coming off Center Street turning right onto Main Street.
- S Bankhead and R Eck said it has been diagonal parking for years.
- S Bankhead said the people who will be inconvenienced by changing this over to parallel parking will be school parents and library patrons.
- R Eck said he will do whatever the Council recommends. A clear view is marked off, but that is usually the first place people park.
- D Astle asked about the expense for the County elections.
- S Bankhead said by the time we pay the judges, it is an affordable amount. We have the money in our budget to funnel that way if we need to. The only other item is the Appeal Authority ruled and set aside the approval of the Planning Commission on the Grace Baugh Subdivision preliminary plat. Craig Smith felt like the fastest way to remedy that was to change some of the ordinances. State Code says anyone negatively impacted by the decision has 30 days to appeal. The appeal was dated June 17, so if someone were inclined to appeal it would have to be done by July 17<sup>th</sup>.
- D Astle asked how quickly the Planning Commission can move on the ordinances before them.
- S Bankhead said she wasn't sure. She is hoping to hold public hearings on July 10<sup>th</sup>.
- B Bagley asked about due diligence and if the process is on hold.
- S Bankhead said as long as it gets done in 180 days, after that, we can't hold anyone up. State Code says Planning Commission has to hold a public hearing and make recommendation to the City Council on a Land Use Ordinance Change.
- D Astle would like this resolved before the elections


**Council Reports:** Items presented by the City Council members will be presented as informational only; no formal action will be taken. The City Council may act on an item, if it arose subsequent to the posting of this agenda and the City Council determines that an emergency exists.


- D Calderwood nothing to report.
- B Bagley nothing to report.
- R Call nothing to report.
- J Russell nothing to report.
- D Astle nothing to report.

**Motion to close:** R Call, second B Bagley  
**Vote:** Yea: D Astle, B Bagley, D Calderwood, R Call, J Russell  
 Nay: None  
 Excused: None  
 Abstained: None

Meeting closed at 7:35 pm.  
 Minutes taken and prepared by C Craven.

  
 Don Calderwood, Mayor Pro-tem



  
 Skarlet Bankhead, City Recorder

**City Council Meeting**

June 25, 2013

Please Sign In

Name

City of Residence

Dee Barnes

Providence

John Drew

PROVIDENCE

Brant Speth

Providence

