

1 **PROVIDENCE CITY COUNCIL MINUTES**

2 **January 12, 2010**

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, D Calderwood, J Russell
9 Excused:	D Low
10 Motivational Thought:	J Russell
11 Pledge of Allegiance:	Troop 85 and Troop 19

12

13 **Approval of the minutes for December 8, 2009:**

14 **Motion to approve the minutes from December 8, 2009 with the following changes: D Astle, J Russell second**

15 Page 3 of 10 – line 26 – holding the ball.

16 Page 6 of 10 – line 10 – Juan’s last name.

17 Page 7 of 10 – line 43 – felt there needed to be a percentage of retail required.

18 Page 4 of 10 – line 24 – at the mouth of Providence Canyon

19 **Vote: Yea: D Calderwood, J Russell, D Astle**
 20 **Nay: None**
 21 **Abstain: None**
 22 **Excused: D Low**

23

24 **Approval of the minutes for December 16, 2009:**

25 **Motion to approve the minutes from December 16, 2009: J Russell, D Astle second**

26 **Vote: Yea: D Astle, D Calderwood, J Russell**
 27 **Nay: None**
 28 **Abstain: None**
 29 **Excused: D Low**

30

31 **PUBLIC COMMENTS:**

32 Keith Thompson said he received the signatures for the fence in Providence Canyon. He asked that Mayor Liechty and
 33 Mayor Simmons take them to the Forest Service. He explained to the citizens what is going on with the Canyon.
 34 Hal Hansen asked about changing the yield sign to a stop sign at Main Street and 200 North. He has almost been hit there a
 35 number of times.
 36 Deon Johnson introduced the Scouts from Troop 85 and Troop 19 to the Mayor, Council, Randy Eck and Skarlet Bankhead.

37

38 **BUSINESS ITEMS:**

39 **Item No. 1. Discussion:** The Providence City Council will discuss the procedure for public and Council discussion during
 40 business action items.
 41 R Liechty would rather open an action item up to discussion before they put a motion forward.
 42 Sharell Eames asked why the Council doesn’t have to follow the Roberts Rules of Order. She asked that the Council adopt
 43 something so the citizens will know what the rules are.
 44 D Astle said the Roberts Rules of Order are very hard to follow. The Council would like for the citizens to have more input.
 45 He explained about time limits for appeals.
 46 S Eames asked if the City Council could reconsider something.
 47 D Astle said that can be established by tradition or by the Council decision.
 48 S Eames would like written rules of how the Council will proceed.
 49 S Bankhead said the Council can set up their own parameters
 50 The Council agreed with this.

51

52 **Item No. 2. Resolution No. 10-002:** The Providence City Council will consider for adoption a resolution approving an
 53 agreement with the Utah Corp to construct Canyon Trail.
 54 R Liechty opened this item for discussion.

1 S Bankhead explained that several years ago the City received a RAPZ grant for improving the trail in Von's Park and
2 creating a trail on the south side of Spring Creek in Providence Canyon. The idea for the trail in Providence Canyon came
3 from the Forest Service. The trail was started last year. DWR had paper work problems so the Forest Service did their part.
4 The Utah Conservation Corp. did a trail over the Forest Service property. The City would like to finish the trail this spring.
5 D Calderwood asked for a more detailed scope of work.

6 S Bankhead was not able to get that yet. The RAPZ money left is more than enough to finish the trail. It is time to apply for
7 RAPZ tax again and we want to show the County that we do finish our projects. If the Council would like to have more
8 information on this they can wait until the next meeting to vote on this.

9 D Calderwood asked if the new trail would meet the old trail. Also will there be a little foot bridge at the beginning of the
10 trail.

11 R Eck said the Forest Service constructed the trail last summer. Utah Conservation Corp does not have the machine that the
12 Forest Service used.

13 J Russell said that we needed more information about this.

14 D Calderwood asked if moving this to the next meeting would interfere with RAPZ money down the road.

15 S Bankhead didn't feel like it would.

16 D Calderwood asked if the audience had any say about this.

17 K Thompson said he believed that the trail would be a good thing.

18 D Astle felt like the Council needed more definition on the scope of the work.

19 S Bankhead asked if they would like a representative for the next meeting.

20 The Council said yes.

21 **Motion to table until the next meeting: J Russell, D Astle second**

22 **Vote: Yea: J Russell, D Calderwood, D Astle**

23 **Nay: None**

24 **Abstain: None**

25 **Excused: D Low**

26
27 **Item No. 3. Ordinance No. 001-2010:** The Providence City Council will consider for adoption an ordinance amending
28 Providence City Code Title 7-1-8: Parkways by adding "In a Mixed Use District, non-permeable material is allowed in a
29 parkway to promote foot traffic, but must add variation to the streetscape by using various colors and textures to differentiate
30 it from the regular sidewalk."

31 R Liechty opened this item for discussion.

32 S Bankhead explained the changes that were made in the commercial area on the east side of Hwy 165. The City created a
33 mixed use district and will allow a mix of retail and professional offices or residential. Craig Call suggested we had verbiage
34 for parkway strips. One of the concerns of staff is that they be allowed to way in on what is done.

35 R Eck explained that park strips serve many purposes. He talked about what those were. Most park strips in Providence City
36 hold infrastructures. Because of this colors and textures will be very hard to match. It will be very costly and burdensome to
37 fix any problems that arise and they will arise. This is more costly and time consuming for the City. He doesn't feel like the
38 ordinance should be amended. He suggested that the City or the Utility Company not be held responsible for replacing any
39 colors and textures.

40 D Calderwood asked how much we would be required to fix.

41 R Eck felt like a lot of time is spent by contractors fixing these and the City would be held to the same standard. He would
42 like for it to be common batch concrete. Public Works looks at the maintenance of the park strip.

43 R Liechty said he thought in residential it had to be grass or rocks.

44 R Eck explained that the park strips are different according to size.

45 J Russell said he understands that they are trying to make it more visibly appealing.

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

47 **Vote: Yea: None**

48 **Nay: J Russell, D Calderwood, D Astle**

49 **Abstain: None**

50 **Excused: D Low**

51
52 **Item No. 4. Discussion:** The Providence City Council will discuss the Mayor Pro-tem assignment.

53 R Liechty stated that on the 26th of January there will be a new councilmember. He would like for this assignment to be done
54 at the meeting on the 26th of January.

55 He explained what the responsibilities of the position would be.

56
57 **Item No. 5. Discussion:** The Providence City Council will discuss area of interest assignments.

58 R Liechty said that the Council has expressed interest in being more involved.

1 J Russell explained to Don Calderwood that this will allow each Councilman to be more involved.

2 The different positions are as follows:

3 Planning Commission

4 Budget & Finance

5 Water, Sewer, Storm water

6 Parks & Recreation

7 DRC & Historical Preservation

8 Public Works

9 R Liechty asked that the Council make any suggestions to him what they are interested in and he wants to wait until they
10 have a complete Council to make these assignments.

11
12 **Item No. 6. Discussion:** The Providence City Council will discuss the City Council becoming the Land Use Authority for
13 development in the Commercial Highway District, Commercial General District and Mixed Use District.

14 R Liechty said he would rather have the Council as the Land Use Authority because Planning and Zoning is over
15 subdivisions. The commercial uses aren't quite as laid out. He feels the City Council needs to have control over this.

16 D Astle said that the Land Use Authority is designated by City Council. Land Use Authority is charged with making sure the
17 ordinances are followed. He doesn't know if you can mix the two. He feels the City Council needs to be the appeal authority
18 for land use. He doesn't feel like the Council should wear both hats at the same time. When you get involved in land use
19 citizens know exactly what they can do because of the ordinances. Planning and Zoning can make the recommendations to
20 the Council. The Council can either approve or deny.

21 S Bankhead said the way the ordinance for the mixed use was written it is very discretionary on the part of the Planning
22 Commission. She asked if the Council wants to stay legislative then allow staff to take it back to Planning and make it more
23 administrative.

24 D Astle asked if expanding Land Use Authority members to 5 would help.

25 S Bankhead said her concern is the amount of subjectivity in the mixed use zone. There is not a lot in the mixed use
26 ordinance that is spelled out. No one knows what a developer will come in with for this zone. There needs to be more
27 guidelines for this ordinance.

28 D Calderwood asked if it should come before the Council.

29 S Bankhead said she doesn't know if staff or the Planning Commission knows exactly what the Council wants with this
30 ordinance.

31 D Astle said Council makes ordinances. This ordinance needs to be more objective. He feels the ordinance is defective.

32 S Bankhead feels like the ordinance should be more discretionary.

33 D Calderwood said he talked to a developer who said it is better to know exactly what the City expects from them.

34 J Russell said he feels like the City should tell the developers what they want.

35 Mike Stettler said in Twin Falls, ID it takes up to a year to change an ordinance. As a developer he would rather know what
36 he is looking at when he comes into a City to develop.

37 J Russell asked if the Council would revisit mixed use.

38 S Bankhead said that Planning Commission needs to recommend to the Council. The Council will have the final say.

39 R Liechty feels like percentages need to be added to the mixed use zone.

40 R Eck said that our commercial district should be treated with the utmost respect.

41 The Council would like it to go back to Planning Commission.

42
43 **Item No. 7. Discussion:** The Providence City Council will discuss training and travel expenses.

44 R Liechty explained how much money was spent last year in training and travel expenses. He would like to limit the number
45 of Council members that do the training and travel. R Liechty would like to be over any travel and training expenses.

46 J Russell asked if each department puts in their budget for the year.

47 S Bankhead said that some classes are required to keep up their certifications. We make sure we have the classes required
48 covered and then we look at other classes that we can do. We encourage the employees to go to the conferences that are
49 closest.

50 D Astle asked if we could cut the travel expense by carpooling.

51 S Bankhead said we encourage employees to use the city vehicles to cut down on travel expense. If they use their own
52 vehicle and the city vehicle is available the travel expense is cut in half.

53 R Eck said that if you want to take your family with you, you can't drive a company vehicle. He feels like the employees try
54 to keep the expenses down.

55 D Astle said he believes that the Council needs to look at the different classes and decide which ones are the most beneficial.

56 R Liechty wants the Council to be the Gate Keepers over the Mayor, Council and Planning Commission. He will watch over
57 the employees.

1 **STAFF REPORTS:**

2 R Eck would like to be able to visit with the Council once the assignments are made. It concerns him when a citizen calls the
3 Council and not Public Works. The new restroom in Hampshire is close to being finished. This will give us a new soccer
4 field this spring. The year end water report is almost finished. He will report on that soon.

5 D Astle suggested working on water conservation this year.

6 S Bankhead explained about the site plan for Gold's Gym. It is in the Commercial Highway District. Gyms are not a use in
7 any commercial district. Memberships do pay sales tax. She asked if the Council would want to allow this in any commercial
8 district. Professional offices are not allowed in our Commercial Highway District. These go hand in hand with a gym facility.
9 If you would like to consider a gym you need to think about what goes with it.

10 D Calderwood asked why a Doctor's office needs to go with a gym.

11 M Stettler said that he likes to change people's lives. He is also a developer. For him, leasing to a Doctors office is more
12 beneficial. He is caught between what the City wants and what the property owners want. He wants to make the most money
13 off this plaza. If he can't bring in the Doctors this development won't work. It will be mixed use. He would like to lease out
14 the area next to Maceys and be close by while his new gym is being built.

15 S Bankhead said the deal breaker for the General Highway District is the Doctor's offices. The goal for that area was that
16 everything going in that district would produce property taxes and sales tax. Doctor's offices don't. We don't have a use for a
17 gym in our use chart. There is a line in the use chart that says if the use is not identified in this chart it is not permitted.
18 Doctors, teachers, private school, licensed professionals are allowed in the Commercial General Zone and the Mixed Use
19 Zone. Out attorneys are concerned that if we allow them in we could be challenged. The Commercial Highway Zone was
20 specifically set up for sales tax producing businesses.

21 S Bankhead talked about the 100 East project. The City is still tying up property acquisitions. The goal is to advertise this
22 project in February. She asked for the Councils support in getting this project done. She reminded the Council to license their
23 dogs and business licenses if they have any.

24 D Astle asked about the Council being bonded.

25 S Bankhead said she has talked to the Trust and they will be getting the paperwork to her.

26 S Bankhead said she appreciates the Council asking questions during the week so staff can be better prepared during Council
27 meeting. She also welcomed D Astle to DRC.

28
29 **COUNCIL REPORTS:**

30 D Astle asked about following up with the school district.

31 R Liechty wants to involve the Council with the Employee Lunch that will be held once a month. The first one is tomorrow at
32 noon. There will also be a citizen meeting. This will be on the 3rd Thursday evening at 6:00 pm with John Russell. This is to
33 involve the citizens more. On February 5th at 2:00 pm all the ex-Mayors will have a luncheon to thank them and ask for their
34 support in different areas. He reminded the Council about the Citizen Planner Training Series that will be done by Jay Baker
35 with Cache County.

36
37 **Motion to adjourn: D Calderwood, J Russell second**

38 **Vote: Yea: J Russell, D Calderwood, D Astle**

39 **Nay: None**

40 **Abstain: None**

41 **Excused: D Low**

42
43 Meeting adjourned at 7:59 pm

44 Minutes taken and prepared by Terri Lewis

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46
47 _____
48 Ronald Liechty, Mayor

Skarlet Bankhead, City Recorder